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United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HENRY SCHEIN, INC.,
Plaintiff,
v.
JENNIFER COOK,
Defendant.

Case No. 16-cv-03166-JST
ORDER RE: DISCOVERY DISPUTE
Re: ECF No. 26

This is a further order regarding the discovery dispute pending between Plaintiff and third party Patterson Dental Supply, Inc. See ECF Nos. 26, 27.

The parties are ordered to appear in Courtroom 9 on July 25, 2016 at 9:00 a.m. for a hearing regarding this dispute. The Court’s goal will be to determine a schedule for the production of the documents Plaintiff has requested from Patterson; to determine whether the documents can be produced in stages, instead of all at once; and to ensure that any discovery is proportional to both the needs of the Plaintiff for full discovery and the expense that such discovery might entail. See Fed. R. Civ. P. 26(b)(1) (requiring district courts to consider “the importance of the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant information, the parties’ resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit”). Each side should be prepared to answer detailed questions concerning these considerations.

If the parties submit a stipulated proposed schedule, the Court will adopt it. If the parties submit competing schedules, the Court will endeavor to choose, in all respects, the single proposal it concludes is most reasonable. See Michael Carrell & Richard Bales, Considering Final Offer

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Arbitration to Resolve Public Sector Impasses in Times of Concession Bargaining, 28 Ohio St. J. on Disp. Resol. 1, 20 (2013) (“In baseball arbitration ... the parties ... have every incentive to make a reasonable proposal to the arbitrator because the arbitrator will choose the more reasonable offer”); see also Sage Electrochromics, Inc. v. View, Inc., No. 12-CV-6441-JST, 2014 WL 1379282, at *3 (N.D. Cal. Apr. 8, 2014) (same).

IT IS SO ORDERED.

Dated: July 21, 2016



JON S. TIGAR
United States District Judge