

1
2
3
4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA
6

7 PLANET AID, INC., et al.,

8 Plaintiffs,

9 v.

10 REVEAL, CENTER FOR
11 INVESTIGATIVE REPORTING, et al.,

12 Defendants.

Case No. [17-cv-03695-MMC](#) (JSC)

DISCOVERY ORDER

Re: Dkt. Nos. 235, 236, 237, 238, 239

13 The Court is in receipt of two joint discovery letters with exhibits (Dkt. Nos. 235 & 237)
14 and several separate letters regarding Plaintiffs' request for a protective order (Dkt. No. 236, 238,
15 239). Upon review of the submissions, the Court orders the parties to appear in person at **9:00**
16 **a.m. on Thursday, November 21, 2019**. The parties must be represented by counsel with
17 authority to (1) agree to deposition dates, (2) agree to stipulations, and (3) agree to written
18 discovery with deadlines. At that hearing the Court intends to order the parties to immediately
19 meet and confer in person on all of their discovery disputes. Once they have done so, the Court
20 will reconvene the hearing to place any agreements on the record and to hear argument on any
21 remaining disputes. In advance of the hearing, the Court directs as follows:

- 22
- 23 1. On or before **November 5, 2019**, Defendants shall provide Plaintiffs with the dates on
24 which Mr. Smith and Ms. Walters are available for deposition this year. Plaintiffs may
25 confirm those dates prior to the November 21, 2019 hearing.
 - 26 2. Plaintiffs state in the letter briefs that it is alleging that Defendants' statements
27 regarding theft and misuse of USDA donor funds are false and that Plaintiffs are not
28 pursuing any other theft or misuse statements regarding other donor funds. Plaintiffs
explain that the FAC references other donor programs such as UNICEF solely for the

1 purpose of showing that these other programs withdrew support to Plaintiffs because of
2 Defendants' allegedly defamatory statements about Plaintiffs theft or misuse of USDA
3 funds. Plaintiffs have also confirmed that they are not seeking any damages on behalf
4 of DAPP Malawi, a non-party. On or before **November 5, 2019**, Plaintiffs shall
5 provide Defendants with a stipulation that reflects Plaintiffs' representations. If
6 Defendants contend that they need additional clarification, they shall provide Plaintiffs
7 with an amended proposed stipulation along with an explanation of the amendments on
8 or before **November 12, 2019**.

- 9 3. If Plaintiffs contend that they need more discovery to respond to Defendants' anti-
10 SLAPP motion than Defendants have already produced (other than the identified
11 depositions), by **November 5, 2019** Plaintiffs must identify to Defendants the
12 additional discovery with specificity and the reasons they need the discovery.
- 13 4. On or before **November 12, 2019**, Defendants shall respond in detail to Plaintiffs'
14 request, if any, for more discovery.
- 15 5. Judge Chesney, not this Court, must rule on whether Plaintiffs are limited public
16 figures. If Defendants wish to forestall discovery until such ruling has been made, they
17 must seek such relief from Judge Chesney. Unless and until such ruling is made, this
18 Court will not delay discovery in the absence of agreement among the parties.
- 19 6. On or before **November 5, 2019**, Defendants shall provide Plaintiffs with a letter that
20 specifies in detail what discovery it asserts it needs in connection with the anti-SLAPP
21 motion. The requests shall be specific and realistic.
- 22 7. On or before **November 12, 2019**, Plaintiffs shall provide Defendants with a letter that
23 identifies with specificity what discovery it is willing to produce in connection with the
24 anti-SLAPP motion and when such discovery can be produced.
- 25 8. On or before **November 19, 2019**, each side may submit a letter brief to the Court, not
26 to exceed 10 pages, on any dispute that remains following the exchange of letters on
27 Defendants' requested discovery.
- 28 9. On or before **November 19, 2019**, Plaintiffs shall file a declaration on the public

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

docket that attaches: (1) the proposed stipulation that Plaintiffs submitted to Defendants regarding the scope of their claims, (2) the statement of additional discovery, if any, Plaintiffs contend that they still need from Defendants to respond to the anti-SLAPP motion, and (3) the letter to Defendants identifying the discovery Plaintiffs agree to produce to Defendants.

10. On or before **November 19, 2019**, Defendants shall file a declaration on the public docket that attaches: (1) the available deposition dates for Mr. Smith and Ms. Walters, (2) Defendants’ response to Plaintiffs’ request (if any) for more anti-SLAPP motion discovery, (3) Defendants’ letter to Plaintiffs regarding the discovery it contends it needs in connection with the anti-SLAPP motion, (4) Defendants’ proposed amended stipulation, if any.

IT IS SO ORDERED.

Dated: October 28, 2019


JACQUELINE SCOTT CORLEY
United States Magistrate Judge