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United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DANTE DEMARTINI, et al.,
Plaintiffs,
v.
MICROSOFT CORPORATION,
Defendant.

Case No. 3:22-cv-08991-JSC

**ORDER RE: JOINT DISCOVERY
LETTER BRIEF**

Re: Dkt. No. 299

Pending before the Court is a joint discovery letter brief regarding Microsoft’s responses to written discovery requests. (Dkt. No. 299.) Plaintiffs seek to compel Microsoft to respond to Request for Production No. 16 and Requests for Admission Nos. 6 and 7. Oral argument is not required to resolve this dispute. *See* Civ. L.R. 7-1(b). Plaintiffs’ request is denied as untimely and on the merits.

First, Plaintiffs request is untimely. Fact discovery closed November 20, 2023. (Dkt. No. 270.) Under Civil Local Rule 37-3, any discovery-related motions are due seven days after the cut-off; here, November 27. Plaintiffs filed the now pending letter brief December 5—over a week after the deadline. That the letter brief renews a request to compel discovery the Court previously denied without prejudice to renewal following meet and confer is of no moment. (Dkt. No. 294.) The Court issued the order denying the earlier filed letter brief on November 15—Plaintiffs had *12 days* to renew the request and Plaintiffs concede Microsoft provided them with their responsive portion of the letter brief on November 21. Again, before the deadline to file discovery motions. To be sure, the Thanksgiving holiday fell within this window, but Plaintiffs did not request the Court extend the deadline to bring motions to compel on this or any other basis. Instead, Plaintiffs sat on the letter brief until *after* the deadline to bring motions to compel, and then, on November 29, returned it to Microsoft. And then it was not filed with the Court until December 5. Plaintiffs’ request is untimely.

