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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAMEDTRONIC VASCULAR, INC., *et al.*,

No. C-06-1066 PJH (EMC)

Plaintiff(s),

v.

**ORDER REQUIRING FURTHER MEET
AND CONFER RE PLAINTIFFS'
MOTION TO COMPEL**ABBOTT CARDIOVASCULAR SYSTEMS,
INC., *et al.*,**(Docket No. 554)**Defendants.

Medtronic has filed a motion asking the Court to compel Abbott to respond to damages fact discovery. Medtronic argues that, by stipulation of the parties, damages fact discovery as to all parties was extended to November 21, 2008. *See* Docket Nos. 546, 550 (stipulation and order). In response, Abbott contends that the fact discovery extension was applicable only with respect to BSC.

The Court held a hearing on Medtronic's motion on November 19, 2008. At the hearing, the Court noted that both parties' positions had some merit and suggested that there might be a more practical way to move forward -- *i.e.*, the parties could agree to allow for supplemental discovery, limited to new developments or events. The parties agreed to further meet and confer immediately to determine whether they could reach an agreement based upon this guidance. The parties also agreed that any supplemental responses or supplemental production of documents shall be provided by **December 5, 2008**.

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If the parties are unable to resolve their dispute, then they shall file a joint letter with the Court by **November 21, 2008**. The joint letter shall not exceed three (3) pages in length and shall identify precisely the discovery sought and the objection thereto.

IT IS SO ORDERED.

Dated: November 19, 2008



EDWARD M. CHEN
United States Magistrate Judge