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UNITED STATES DISTRICT COURT
Northern District of California

JANICE KENNEDY, Individually, and on
Behalf of Herself and All Others Similarly
Situating,

No. C-07-0371 CW

Plaintiff,

DISCOVERY ORDER RE: DKT #267

v.

JACKSON NATIONAL LIFE INSURANCE
COMPANY, a Michigan corporation,

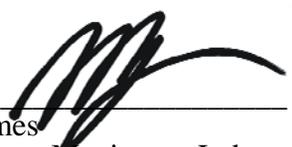
Defendant.

_____ /

Before the Court is the parties' joint discovery dispute letter ("Joint Letter"), dated August 13, 2010. (Dkt. #267.) In the Joint Letter, Defendant seeks to compel Plaintiff's expert, Jeffrey K. Dellinger, to either (a) answer questions which he refused to answer at his deposition or (b) withdraw from the case as an expert witness in light of his refusal to provide the information. (Joint Letter at 1.) Plaintiff contends, among other things, that Defendant's request is improper and untimely because it was not filed within the express time limits proscribed by Civil L.R. 37-3, requiring all motions to compel discovery to be filed no later than 7 days after the discovery cut-off. (Joint Letter at 4.) The Court agrees. As the Honorable Claudia Wilken, the presiding judge in this matter, established a discovery cut-off of April 15, 2010, (*See* Dkt. #142), the undersigned finds that Defendant's request is untimely. Accordingly, the motion is DENIED WITHOUT PREJUDICE to Defendant seeking leave from Judge Wilken to extend the discovery cut-off.

IT IS SO ORDERED.

Dated: September 7, 2010



Maria-Elena James
Chief United States Magistrate Judge

UNITED STATES DISTRICT COURT
For the Northern District of California