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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 (MEJ)

Plaintiff,

**DISCOVERY ORDER RE:
DKT ##275, 276**

v.

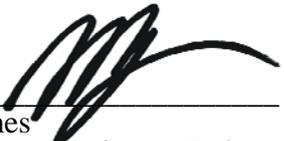
JACKSON NATIONAL LIFE INSURANCE
COMPANY, a Michigan corporation,

Defendant.

The Court is in receipt of Plaintiff's discovery letter, filed on September 8, 2010 (Dkt. #275), and Defendant's response thereto, filed on September 10, 2010 (Dkt. #276). Plaintiff seeks to compel production of certain documents in response to document request numbers 57 and 59-61 of Plaintiff's Fifth Request for Production of Documents. (Dkt. #275 at 3; Ex. A.) In response, Defendant contends, among other things, that Plaintiff's request is untimely because it was not filed within the express time limits proscribed by Civil Local Rule 37-3, requiring all motions to compel discovery to be filed no later than 7 days after the discovery cut-off. (Dkt. #276 at 1.) 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 21, 2010



Maria-Elena James
Chief United States Magistrate Judge