

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KAMLESH BANGA,
Plaintiff,

No. C-08-4147 SBA (EMC)

v.

**ORDER RE PLAINTIFF’S LETTER OF
JUNE 18, 2009**

EXPERIAN INFORMATION SOLUTIONS,
et al.,
Defendants.

(Docket No. 100)

_____ /

Plaintiff Kamlesh Banga, proceeding pro se, has submitted a letter to the Court, dated June 18, 2009, in which she claims that Defendant Experian Information Solutions has improperly destroyed evidence relevant to the litigation. Ms. Banga asks the Court “to set a pre-motion conference regarding [the] discovery dispute and allow [her] to file a Motion for Sanctions against Experian for Evidence Spoliation on the short notice.” Letter at 2.

The Court does not see the necessity of having a pre-motion conference. Nor does the Court see the necessity of having the matter heard on shortened time. Even though the fact discovery cut-off is June 26, 2009, the issue here is not whether Experian is withholding documents; rather, the issue is whether Experian has improperly destroyed evidence and, if so, what remedy (if any) should be available to Ms. Banga. This issue can be addressed well before the trial in the case, set for November 2009.

Accordingly, the Court hereby **DENIES** Ms. Banga’s request for a pre-motion conference and shortened time. The Court shall give Ms. Banga until June 24, 2009, to file and serve a motion

1 for sanctions based on the alleged spoliation. In the motion, Ms. Banga shall provide any and all
2 evidence supporting her contention that there has been spoliation of evidence; in addition, she shall
3 specify what sanction she seeks for the alleged spoliation. Expiration shall have until July 8, 2009, to
4 file an opposition, and then Ms. Banga shall have until July 15, 2009, to file a reply. A hearing on
5 the motion shall be held on **July 29, 2009, at 3:00 p.m.**

6 As a final point, the Court notes for Ms. Banga that, in the future, should she ask for any
7 relief from the Court and makes that request in writing, then that writing must be *filed* with the Clerk
8 of the Court (as well as served on Defendants). It is not sufficient to fax the writing to the chambers
9 of the undersigned.

10 This order disposes of Docket No. 100.

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12 IT IS SO ORDERED.

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14 Dated: June 19, 2009

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16 _____
17 EDWARD M. CHEN
18 United States Magistrate Judge
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KAMLESH BANGA,

No. C-08-4147 SBA (EMC)

Plaintiff,

v.

CERTIFICATE OF SERVICE

EXPERIAN INFORMATION SOLUTIONS,
et al.,

Defendants.

_____ /

I, the undersigned, hereby certify that I am an employee in the U.S. District Court, Northern District of California. On the below date, I served a true and correct copy of the attached, by placing said copy/copies in a postage-paid envelope addressed to the person(s) listed below, by depositing said envelope in the U.S. Mail; or by placing said copy/copies into an inter-office delivery receptacle located in the Office of the Clerk.

KAMLESH BANGA
P.O. Box 6025
Vallejo, CA 94591
(707) 342-1692

*ALL OTHER COUNSEL SERVED VIA
ELECTRONIC FILING ("E-FILING")*

Dated: June 19, 2009

RICHARD W. WIEKING, CLERK

By: _____ /s/
Leni Doyle
Deputy Clerk