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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JSR MICRO, INC.,

No. C-09-03044 PJH (EDL)

Plaintiff,

ORDER RE: LETTERS FROM PARTIES

v.

QBE INSURANCE CORP., et al.,

Defendants.

On July 21, 2010, the Court issued an order regarding production of declaration pages and a listing of endorsements for trade credit insurance policies under which claims were made that were issued in Australia for the two-year period from March 1, 2007 through March 1, 2009. See Docket No. 170. The Court ordered Defendants to provide a letter to Plaintiff no later than July 23, 2010 regarding a realistic time frame for the production. If the parties could not agree on a time frame, the parties were ordered to file a joint letter on July 26, 2010.

On July 23, 2010, Defendants filed a letter providing a time estimate for the production, and seeking cost sharing for the production. On July 26, 2010, Plaintiff filed a responsive letter. The parties informed the Court that they continued to meet and confer on the issues, and on August 4, 2010, informed the Court that they could not resolve their disputes.

The Court is prepared to rule on all of the substantive issues set forth in the parties' letters. However, both sides appear to want the Court to decide the issue of cost-sharing prior to production of documents under the July 21, 2010 Order. The Court, however, is not able to decide the issue without further briefing. The parties shall inform the Court by joint letter no later than noon on August 13, 2010 as to whether the parties want the Court to decide the cost-sharing issue at this time. In the meantime, Defendants shall make all reasonable efforts to begin the process of locating

1 and identifying responsive documents immediately if they have not already done so. If the parties
2 inform the Court on August 13, 2010 that they do not want a ruling on cost-sharing at this time, the
3 Court will issue an order resolving the disputes in the parties' July letters.

4 The Court is mindful that further briefing may cause some delay in document production, but
5 if the parties want a ruling on the cost-sharing at this time, the Court orders an expedited briefing
6 schedule as follows: Defendants shall file a motion no later than August 18, 2010, Plaintiff shall file
7 an opposition no later than August 25, 2010 and Defendants shall file a reply no later than August
8 27, 2010. It appears that the issue can be decided on the papers, so the Court will not schedule a
9 hearing unless it later determines that one is necessary. The parties are cautioned that even if the
10 Court does decide to shift any costs, it is unlikely that the Court would shift any more than fifty
11 percent of the costs to Plaintiff.

12 **IT IS SO ORDERED.**

13 Dated: August 11, 2010

Elizabeth D. Laporte

ELIZABETH D. LAPORTE
United States Magistrate Judge