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

SLEEP SCIENCE PARTNERS,

Plaintiff,

v.

AVERY LIEBERMAN, et al.,

Defendants.

No. 09-04200 CW

ORDER DENYING
DEFENDANTS'
MOTION FOR
PRECLUSIVE
SANCTIONS AND
REOPENING
DISCOVERY
(DOCKET NO. 88)

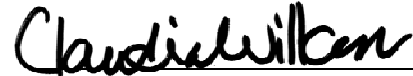
On January 18, 2011, Magistrate Judge Zimmerman entered an order regarding Defendants' motion for sanctions. Based on his findings, Magistrate Judge Zimmerman proposed two alternate recommendations to the Court. The Court follows Magistrate Judge Zimmerman's second recommendation.

Therefore, it is ordered that Defendants' motion for preclusive sanctions is denied. Discovery is reopened for the following limited purpose. Within seven days from the date of this Order, Plaintiff shall file a declaration of its President or Chief Executive Officer that Plaintiff has produced all documents in its possession or control which relate to any of its damages claims. If it has not, it must produce all such documents within fifteen days of the date of this Order. If Defendants conclude that they need to take new depositions or re-take depositions based either on

1 the information that Plaintiff produces pursuant to this Order or
2 based on information that Plaintiff withheld until it was too late
3 to take meaningful discovery before the discovery cutoff,
4 Defendants may take such depositions. The depositions will be
5 taken in the San Francisco Bay Area, unless the parties otherwise
6 agree, and Plaintiff will pay the costs of the reporting and
7 transcription service. Plaintiff will also pay Defendants'
8 reasonable attorneys' fees and costs incurred in obtaining this
9 Order.

10
11 IT IS SO ORDERED.

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13 Dated: 1/25/2011



CLAUDIA WILKEN
United States District Judge