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UNITED STATES DISTRICT COURT  
Northern District of California

MARTIN MURRAY,

Plaintiff(s),

No. C 09-05744 CW (MEJ)

v.

SEARS, ROEBUCK AND CO., et al.,

**ORDER RE: MEET & CONFER  
PROCEDURE**

Defendant(s).  
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The Court is in receipt of Plaintiff's request, filed February 18, 2010, regarding the in-person meet and confer requirement for discovery disputes in this case. (Dkt. #58.) Good cause appearing, the Court hereby GRANTS Plaintiff's request to meet and confer by telephone, as detailed below. So as to ensure compliance with the spirit of the meet and confer requirement, the parties shall make a contemporaneous record of their meetings using a court reporter or electronic recording device. The parties should be mindful that the Court may re-instate the in-person meeting requirement if it determines that the telephone meetings are not fruitful.

Counsel for Defendants Sears, Roebuck and Co. and Electrolux Home Products, Inc. are to meet and confer with Counsel for Plaintiff regarding the issues presented in Plaintiff's Motion to Compel Defendants to Provide Initial Disclosures and Plaintiff's Motion for a Protective Order that were referred to this Court and ordered to comply with Judge James' Standing Order Regarding Discovery and Dispute Procedures by March 2, 2010. Within seven (7) calendar days of receipt by email transmission from Plaintiff of a draft joint letter(s) addressing any remaining unresolved discovery disputes, Defendants shall provide to Plaintiff by email transmission their portion of such letter(s), as necessary.

2) For purposes of any further discovery disputes in this case, the objecting or challenging

1 party shall request in writing by email transmission three available times/dates from opposing  
2 counsel(s) for a telephonic conference to be held within seven (7) calendar days of the date of the  
3 request. If opposing counsel fails to timely respond by email transmission to schedule the telephonic  
4 conference or timely participate in the telephonic conference, the requesting or challenging party  
5 shall inform the court in writing of the deficiencies in the meet and confer process, at which time the  
6 Court shall determine how best to proceed.

7 **IT IS SO ORDERED.**

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9 Dated: February 18, 2010

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12 Maria-Elena James  
13 Chief United States Magistrate Judge  
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