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2 UNITED STATES DISTRICT COURT
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA
4 OAKLAND DIVISION
5

6 CRAIG FRAZIER DESIGN, INC., et al.,

7 Plaintiff,

8 vs.

9 THE ZIMMERMAN AGENCY, et al.,

10 Defendants.

Case No: C 10-1094 SBA

**ORDER DENYING DEFENDANT'S
MOTION FOR A PROTECTIVE
ORDER STAYING DISCOVERY
PENDING RESOLUTION OF
MOTION TO DISMISS**

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12 Plaintiff Craig Frazier Design, Inc., commenced the instant copyright infringement
13 action against defendants The Zimmerman Agency, LLC, and American Family Life
14 Assurance Company, Inc. (AFLAC) on March 15, 2010. AFLAC has filed a Motion to
15 Dismiss, which is set for hearing on September 21, 2010. In addition, AFLAC has filed a
16 Motion for a Protective Order Staying Discovery Pending Resolution of Motion to Dismiss,
17 which is set for hearing on the same date.

18 With regard to the motion for protective order, AFLAC argues that discovery should be
19 stayed pending resolution of its Motion to Dismiss. AFLACV argues that if its motion is
20 granted, there will be no need to conduct discovery. However, AFLAC's justification for a
21 stay of discovery could be made in *every* case in which a motion to dismiss has been filed. As
22 such, the Court finds that AFLAC's justification for a stay of discovery to be unpersuasive.
23 Accordingly,

24 IT IS HEREBY ORDERED THAT:

25 1. AFLAC's Motion for a Protective Order Staying Discovery Pending Resolution
26 of Motion to Dismiss is DENIED.

27 2. The Case Management Conference previously scheduled for June 30, 2010, is
28 CONTINUED to September 21, 2010, and shall immediately follow the hearing on AFLAC's


1 Motion to Dismiss. Plaintiff shall file a Joint Case Management Statement at least ten days
2 prior to the hearing. The Court, in its discretion, may decide the motion without oral argument,
3 pursuant to Federal Rule of Civil Procedure 78(b), in which case no appearance for the motion
4 or Case Management Conference will be necessary. The parties are advised to check the
5 Court's website to determine whether an appearance is required.

6 3. To expedite matters, the Court revises the briefing schedule on the motion to
7 dismiss as follows: Plaintiff shall file its response to AFLAC's motion to dismiss by no later
8 than July 9, 2010; and AFLAC shall file its reply by no later than July 16, 2010.

9 4. This Order terminates Docket 32.

10 IT IS SO ORDERED.

11 Dated: June 23, 2010


SAUNDRA BROWN ARMSTRONG
United States District Judge

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