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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 JANET HALEY,

No. C-10-03856 EDL

9 Plaintiff,

**ORDER FOLLOWING DISCOVERY
CONFERENCE**

10 v.

11 COHEN & STEERS CAPITAL
MANAGEMENT, INC., et al.,

12 Defendants.
13 _____/

14 On September 9, 2011, the Court held a discovery conference in this case. At the
15 conference, the Court made the following rulings.

- 16 1. No later than September 12, 2011, Defendant will produce the email Ms. Nolty to Mr. Cohen
17 and Mr. Steers regarding Plaintiff that was referenced at the hearing.
- 18 2. Defendant shall rephrase its subpoena to Mr. Kosier subject to the following limitations: (1)
19 the time period for the subpoena shall be limited to one year before Mr. Edlin began his
20 employment through the present; and (2) the subject matter of the subpoena shall be limited
21 to Mr. Edlin, Plaintiff's work situation, Cohen & Steers, and Plaintiff's life problems that
22 could also be considered major stressors such as her cancer, the death of her father, and the
23 adoption. Defendant shall obtain Plaintiff's approval of the subpoena as to form. The
24 documents produced in response to the subpoena shall be provided in the first instance to
25 Plaintiff, who shall review the documents and create a "privilege log" listing documents that
26 are withheld from the production (including based on privacy, although generally privacy
27 should not be the basis for withholding documents but instead should be dealt with by a
28 protective order and/or redaction). The privilege log must describe the withheld documents
in compliance with the Court's standing order, in sufficient detail for Defendant to


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understand the basis for the privilege. This ruling also applies to subpoenas to Mr. Feilke and Mr. Horan.

3. Defendant shall produce the U5 forms for other wholesalers who left Cohen & Steers from January 2009 to the present. Defendant may redact the names and other identifying information from the forms, but shall specify the gender, and shall replace the name with a unique identifier. Defendant shall maintain a key to the unique identifiers.

IT IS SO ORDERED.

Dated: September 12, 2011



ELIZABETH D. LAPORTE
United States Magistrate Judge