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6 **UNITED STATES DISTRICT COURT**  
7 **NORTHERN DISTRICT OF CALIFORNIA**  
8 **SAN FRANCISCO DIVISION**

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10 CENTURY ALUMINUM COMPANY, et al.,

11 Plaintiffs,

12 v.

13 AGCS MARINE INSURANCE CO.,

14 Defendant.  
15

Case No. 11-cv-02514 YGR (NC)

16  
17 **ORDER RE: DISCOVERY**  
18 **STATUS CONFERENCE**

19 Re: Dkt. Nos. 129, 181, 240

20 The parties submitted a joint discovery status report, Dkt. No. 240, concerning  
21 their continued discovery disputes as to privilege assertions, further document  
22 productions, percipient witness depositions, and expert depositions. The parties attended  
23 a discovery status conference on September 19, 2012. Considering the representations  
24 made by the parties at the conference, the parties' joint letter brief, and previous joint  
25 discovery letter briefs, Dkt. Nos. 129 and 181, the Court orders as follows:

26 **1. Privilege Assertions**

27 The Court orders that by 5:00 p.m. on September 21, Century must file a  
28 proposed order regarding Century's challenges to AGCS' privilege assertions regarding:  
(a) subrogation; (b) reserves; (c) documents not involving attorneys; and (d) documents  
dated between December 20, 2010, when AGCS made the decision to deny the claim,  
and January 7, 2011, when AGCS sent the written claim denial letter to Century, which

Case No. 11-cv-02514 YGR (NC)  
Order re: Discovery Status Conf.

1 Century asserts are not work product privileged.

2 By 5:00 p.m. on September 21, AGCS is ordered to submit a letter brief, not to  
3 exceed two pages, to include case law supporting AGCS' position that work product  
4 protection applies to documents on the date that an insurer makes the decision to deny a  
5 claim, here December 20, 2010, and not the date of actual claim denial, January 7, 2011.

6 **2. Further Document Productions**

7 AGCS must produce the documents required by Court orders, Dkt. Nos. 206, 209,  
8 and 234, by 10:00 a.m. on September 26. AGCS' request to make a further submission  
9 of redacted documents to the Court is DENIED. AGCS is ordered to produce all  
10 weather-related documents specifically identified in Dkt. No. 209 without further  
11 redactions, with the exceptions identified in Dkt. No. 234. As to additional weather-  
12 related documents AGCS intends to produce, AGCS may redact those documents  
13 consistently with the Court's September 13 order modifying its August 28 order. *See*  
14 Dkt. No. 234.

15 Century must produce the documents in response to AGCS's Sixth Set of  
16 Requests for Production by 10:00 a.m. on September 26.

17 **3. Percipient Witness Depositions**

18 Century to depose Inouye on October 1, 2012 in Los Angeles, California.  
19 Century to depose Cole the week of October 1 in Los Angeles. The Robb deposition is  
20 to be completed before October 12, 2012.

21 The parties are to confer regarding the date of the additional Zachariades  
22 deposition to be held in New York. To clarify, at the deposition, Century may inquire as  
23 to any matters discovered after August 3, 2012.

24 **4. Expert Witness Depositions**

25 Upon further consideration of upcoming percipient witness and expert  
26 depositions, the Court GRANTS the parties' stipulation to extend expert discovery. The  
27 close of expert discovery is extended for two weeks to October 19, 2012.

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1           **5. Notice to Non-Parties**

2           AGCS to file proposed order regarding notice to non-parties by 5:00 p.m. on  
3           September 21.

4           **6. Sanctions**

5           For the reasons stated at the hearing, the Court will consider a motion for  
6           sanctions regarding discovery misconduct by defendant. Century must file the motion  
7           by October 31, 2012.

8           Finally, a further discovery status conference will be held at 10:00 a.m. on  
9           September 26, 2012, Courtroom A, 15th Floor, San Francisco.

10          IT IS SO ORDERED.

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12         DATED: September 19, 2012



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14         NATHANAEL M. COUSINS  
15         United States Magistrate Judge