

UNITED STATES DISTRICT COURT

Northern District of California

Oakland Division

JAMES BLACKMON, et al.,

No. C 11-02853 SBA (LB)

Plaintiffs,

v.

**NOTICE OF REFERRAL AND
ORDER RE DISCOVERY
PROCEDURES**

GLENN TOBIAS, et al.,

Defendants.

TO ALL PARTIES AND COUNSEL OF RECORD:

On October 21, 2011, the parties submitted a letter brief to the undersigned in which they sought judicial intervention to resolve a discovery dispute. Joint Letter, ECF No. 78. According to the letter, Plaintiffs served a third-party subpoena on Bank of America that seeks certain banking records. *Id.* at 1. Defendants objected to the subpoena's scope on, among other things, overbreadth, relevance, and privacy grounds. *Id.* at 2-3. They also argued that discovery concerning the banking records is premature until Judge Armstrong rules on their motion to dismiss, which is scheduled for hearing on January 12, 2012. *Id.* at 2.

Yesterday, Judge Armstrong resolved the question whether discovery is premature: she ruled that a stay on discovery was not warranted. 11/15/2011 Order, ECF No. 80. She also referred the parties' remaining arguments (i.e., Defendants' challenges to the scope of the discovery sought) to the undersigned. *Id.* at 2. In that regard, the court directs the parties to comply with the procedures for addressing discovery disputes set forth in the undersigned's standing order (attached). Those

1 procedures require, among other things, that if a meet-and-confer by other means does not resolve
2 the parties' dispute, lead counsel for the parties must meet and confer in person. If that procedure
3 does not resolve the disagreement, the parties must file a joint letter instead of a formal motion.
4 After reviewing the joint letter, the Court will evaluate whether further proceedings are necessary,
5 including any further briefing or argument.

6 This disposes of ECF Nos. 78, 79.

7 **IT IS SO ORDERED.**

8 Dated: November 16, 2011


LAUREL BEELER
United States Magistrate Judge