

United States District Court For the Northern District of California

## **RESOLUTION OF DISCOVERY DISPUTES**

2 In order to respond to discovery disputes in a flexible, cost-effective and efficient manner, 3 the court uses the following procedure. The parties shall not file formal discovery motions. Instead, 4 as required by the federal and local rules, the parties shall first meet and confer to try to resolve their 5 disagreements. The meet and confer session must be *in person or by telephone*, and may not be 6 conducted by letter, e-mail, or fax. If disagreements remain, the parties shall file a joint letter no 7 later than five (5) business days after the meet and confer session. Lead trial counsel for both 8 **parties must sign the letter**, which shall include an attestation that the parties met and conferred in 9 person or by telephone regarding all issues prior to filing the letter. Going issue-by-issue, the joint 10 letter shall describe each unresolved issue, summarize each party's position with appropriate legal 11 authority; and provide each party's final proposed compromise before moving to the next issue. The 12 joint letter shall not exceed ten (10) pages without leave of court. Discovery letter briefs must be 13 e-filed under the Civil Events category of Motions and Related Filings > Motions - General > 14 "Discovery Letter Brief." In the rare instance that a joint letter is not possible, each side may submit 15 a letter not to exceed four (4) pages, which shall include an explanation of why a joint letter was not 16 possible. When appropriate, the parties may submit one exhibit to the letter that sets forth each 17 discovery request at issue in full, followed immediately by the objections and/or responses thereto. 18 No other information shall be included in any such exhibit. No other exhibits shall be submitted 19 without prior approval by the court. The court will review the submission(s) and determine whether 20 formal briefing or proceedings are necessary.

In emergencies during discovery events (such as depositions), any party may, after
exhausting good faith attempts to resolve disputed issues, seek judicial intervention pursuant to Civil
L.R. 37-1(b) by contacting the court through the courtroom deputy. If the court is unavailable, the
discovery event shall proceed with objections noted for the record.

In the event that a discovery hearing is ordered, the court has found that it is often efficient
and beneficial for the parties if counsel appear *in person*. This provides the opportunity, where
appropriate, to engage counsel in resolving aspects of the discovery dispute while remaining
available to rule on any disputes that counsel are not able to resolve. For this reason, the court

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expects counsel to appear in person. Permission for a party to attend by telephone may be granted,
 in the court's discretion, upon written request made at least two weeks in advance of the hearing if
 the court determines that good cause exists to excuse personal attendance, and that personal
 attendance is not needed in order to have an effective discovery hearing. The facts establishing good
 cause must be set forth in the request.

## **CHAMBERS COPIES AND PROPOSED ORDERS**

All filings relating to discovery dispute referred to Magistrate Judge Ryu shall list the civil case number and the district court judge's initials followed by the designation "(DMR)."

9 Under Civil L.R. 5-1(b), parties must lodge an extra paper copy of any filing and mark it as a 10 copy for "Chambers." Please three-hole punch the chambers copy and submit it to the Oakland 11 Clerk's Office. In a case subject to electronic filing, chambers copies must be submitted by the 12 close of the next court day following the day the papers are filed electronically. Any proposed 13 stipulation or proposed order in a case subject to electronic filing shall be submitted by email to 14 <u>dmrpo@cand.uscourts.gov</u> as a word processing format attachment on the same day that the 15 document is e-filed. This address should only be used for this stated purpose unless otherwise 16 directed by the court.

## **PRIVILEGE LOGS**

If a party withholds information that is responsive to a discovery request by claiming that it
is privileged or otherwise protected from discovery, that party shall *promptly* prepare and provide a
privilege log that is sufficiently detailed and informative for the opposing party to assess whether a
document's designation as privileged is justified. *See* Fed.R.Civ.P. 26(b)(5). The privilege log shall
set forth the privilege relied upon and specify separately for each document or for each category of
similarly situated documents:

- a. The title and description of the document, including number of pages or Batesnumber range;
  - b. The subject matter addressed in the document;
- c. The identity and position of its author(s);
- d. The identity and position of all addressees and recipients;

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The date the document was prepared and, if different, the date(s) on which it was sent e. to or shared with persons other than its author(s); and f. The specific basis for the claim that the document is privileged or protected. Failure to furnish this information promptly may be deemed a waiver of the privilege or protection. IT IS SO ORDERED. min Dated: May 7, 2012 DONNA M. RYU United States Magistrate Judge