

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

S. ZODY,

Plaintiff,

VS.

MICROSOFT CORPORATION,

Defendant.

Case No.: C-12-00942-YGR

**ORDER DENYING DEFENDANT'S MOTION FOR
EVIDENTIARY SANCTIONS AND NOTICE
REGARDING PRE-FILING CONFERENCE FOR
SUMMARY JUDGMENT**

For the reasons stated at the hearing on April 30, 2013, Defendant Microsoft Corporation's Motion for Evidentiary Sanctions (Dkt. No. 57) is hereby **DENIED WITHOUT PREJUDICE**. The Court will determine at a later time whether an adverse inference instruction and/or other evidentiary or monetary sanctions are appropriate.

As to Defendant's letter requesting a pre-filing conference for summary judgment, such conference and motion appear premature. Based on discussions with the parties on April 30, 2013, there are numerous discovery issues outstanding. In addition, the pleadings on the counterclaim are not yet settled. The parties may request a pre-filing conference at a later time, when discovery is complete and the pleadings are settled. For these reasons, the Court **DECLINES** to schedule a pre-filing conference at this time.

This Order terminates Dkt. No. 57.

IT IS SO ORDERED

Dated: May 1, 2013

Yvonne Gonzalez Rogers
YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE