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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OJMAR US, LLC,
Plaintiff,
v.
SECURITY PEOPLE, INC., et al.,
Defendants.

Case No. [16-cv-04948-HSG](#) (MEJ)

DISCOVERY ORDER

Re: Dkt. No. 93

Defendants ask the undersigned to award them the attorneys’ fees they incurred in connection with an earlier “motion to compel.” Jt. Ltr. Br., Dkt. No. 93. The “motion to compel” at issue is a Joint Letter Brief the parties filed, pursuant to the undersigned’s Standing Order re: Discovery, regarding the scope of the waiver of the attorney client privilege. *See* Jt. Ltr. Br. re: Waiver, Dkt. No. 80. Paragraph 5 of the undersigned’s Standing Order re: Discovery addresses motions for sanction: “Motions for sanctions shall be filed separately, pursuant to Federal Rule 37 and Civil Local Rules 7 and 37-3.” Civil Local Rule 7 requires motions for sanctions to be noticed for hearing at least 35 days after the filing of the motion. The parties’ Joint Letter Brief does not comport with these requirements, and for that reason is denied without prejudice.

The Court also observes the following: while it found that the waiver did not extend as far as Plaintiff contended it did, and that Plaintiff’s request was not proportional, the Court made no findings that the request was not substantially justified or was made in bad faith. *See* Order at 2, Dkt. No. 84. The parties have asked the undersigned to resolve a number of discovery disputes,

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and there has not been a consistent prevailing party in connection with those disputes. *See, e.g.*,
Order re: 180 Patent (granting Plaintiff's request for discovery).

IT IS SO ORDERED.

Dated: July 7, 2017



MARIA-ELENA JAMES
United States Magistrate Judge