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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PAUL VELIZ, et al.,

No. C 03-1180 RS (MEJ)

Plaintiff(s),

**ORDER RE JURISDICTIONAL ISSUE**

vs.

CINTAS CORPORATION, et al.,

Defendant(s).

United States District Court  
For the Northern District of California

On December 2, 2008, the undersigned magistrate judge issued an order for further briefing regarding a discovery dispute that has been previously addressed by this Court, dating back to March 3, 2008. (Dkt. # 742.) The Court is now in receipt of Defendant's letter, (Dkt. #1079), asking the undersigned to clarify how jurisdiction exists to issue such an order. Specifically, in its opposition to Plaintiffs' request, Defendant cited to the following portion of Magistrate Judge Richard Seeborg's June 11, 2008 Order:

The deadline for filing any motion to compel fact discovery is hereby extended to 20 days after the date of the filing of this order. This deadline is imposed in lieu of that set forth in Civil Local Rule 26-2. As such, it does not foreclose the possibility that a motion to compel could be timely made at an even later date, should additional discovery be produced by virtue of a court order or otherwise after that deadline. Thus, for example, if a further deposition of a fact witness were held on some date later than 20 days from the date of this order, any motion to compel arising from disputes at such deposition would be timely if filed within seven court days from the date of the deposition.

(Dkt. #839 at 3:16-23.) However, because Magistrate Judge Seeborg's order does not preclude further briefing on issues already pending before this Court, jurisdiction is not an issue.

**IT IS SO ORDERED.**

Dated: December 3, 2008

  
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MARIA-ELENA JAMES  
United States Magistrate Judge

**United States District Court**  
For the Northern District of California

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