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8	UNITED STATES DISTRICT COURT
9	NORTHERN DISTRICT OF CALIFORNIA
10	SAN JOSE DIVISION
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12	ADVANCED MICROTHERM, INC., et al.,) Case No.: C 04-2266 JW (PVT)
13	Plaintiffs, ) ORDER SCHEDULING BRIEFING AND HEARING REGARDING PLAINTIFFS'
14	v. ) Notification to the Court That They Believe the Documents Defendant
15	NORMAN WRIGHT MECHANICALF.W. Spencer Is Producing Are NotEQUIP. CORP., et al.,KEPT IN A REASONABLY BUSINESS-LIKE
16 17	) Manner, and Request That F.W.   Defendants. )   ) Spencer Be Ordered to Organize and Label the Documents
18	On August 5, 2009 this court issued an interim order in which it stated: "However, if
19	Plaintiffs discover the documents are not kept in a reasonably business-like manner, they may bring
20	that fact to the court's attention (in a supplemental declaration), and the court will consider requiring
21	Defendant to organize and label the responsive documents." On September 9, 2009, Plaintiffs'
22	counsel contacted chambers to schedule a telephone conference <sup>1</sup> because he believes the document
23	production by Defendant F.W. Spencer & Son, Inc. ("F.W. Spencer") is a "documents dump" and
24	are being produced "as they are kept in the usual course of business." The court is not inclined to
25	handle this dispute in a telephone conference. Instead, the court believes briefing and a courtroom
26	hearing are warranted. Therefore,
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28	<sup>1</sup> Although the court' s August 5 <sup>th</sup> order required any notice of this sort to be submitted in the form of a declaration, in light of the court' s own time constraints it will deem Plaintiffs' counsel' s call to chambers to schedule a telephone conference to meet that requirement.

ORDER, page 1

1	IT IS HEREBY ORDERED that no later than 4:00 p.m. on September 10, 2009, Plaintiffs
2	and Defendant F.W. Spencer shall file simultaneous briefs regarding Plaintiffs' requests.
3	IT IS FURTHER ORDERED that counsel for Plaintiffs and Defendant F.W. Spencer shall
4	appear for hearing at 10:00 a.m. on September 11, 2009. The court also strongly suggests that
5	William Spencer attend the hearing.
6	Dated: 9/9/09
7	Patricia V. Frumbull
8	United States Magistrate Judge
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