1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 9 NORTHERN DISTRICT OF CALIFORNIA 10 SAN JOSE DIVISION 11 12 ADVANCED MICROTHERM, INC., et al.,) Case No.: C 04-2266 JW (PVT) 13 Plaintiffs, FURTHER ORDER RE PLAINTIFFS' MOTION TO COMPEL FURTHER 14 RESPONSES TO DOCUMENT REQUESTS AND v. PRODUCTION OF DOCUMENTS NORMAN WRIGHT MECHANICAL 15 EQUIP. CORP., et al., 16 Defendants. 17 18 19 On November 17, 2009, the parties appeared for hearing on Plaintiffs' motion to compel 20 production of documents. After the hearing, the court ordered further briefing on certain issues. The 21 parties have now submitted the requested supplemental briefing. Based on the supplemental briefs 22 and arguments submitted, 23 IT IS HEREBY ORDERED that the court adopts the parties' stipulated date for completion 24 of production of documents. With regard to Document Request Nos. 118-120, Norman Wright shall 25 complete its production no later than January 13, 2010. With regard to Document Request Nos. 86-87, Norman Wright shall complete its production no later than December 30, 2009. With regard to 26 27 Document Request Nos. 76-81, Norman Wright shall complete its production of *unredacted* check 28 registers no later than December 30, 2009. Norman Wright may designate the check registers

"Confidential - Attorneys' Eyes Only." Before disclosing copies of pages of the check registers to anyone other than its outside counsel or experts, or offering them as evidence in court, Plaintiffs shall redact all entries other than the entries it is using in connection with this litigation. This procedure will adequately protect employee privacy without undue expense to either Plaintiffs or Norman Wright.¹

IT IS FURTHER ORDERED that Plaintiffs' motion is deemed MOOT as to Document Request No. 113, based on Norman Wright's representation that it has already "complied fully with this request." This ruling is without prejudice to Plaintiffs filing a renewed motion to compel if they believe Norman Wright has not produced all responsive documents.

IT IS FURTHER ORDERED that Plaintiffs' motion is GRANTED as to Document Request No. 114. The court previously took the motion under submission as to this request, and ordered further meet and confer regarding a compromise, based on Norman Wright's representation that it did not maintain any documentation that reflected the pricing Norman Wright quoted to customers on bid day. In light of the recent revelation that Norman Wright does actually have such documentation, the court finds it appropriate to grant the motion as to this document request. The documents sought contain information that is relevant to Plaintiffs' claims, and Norman Wright has not shown that production of the specific scope letters or product quotes for large projects would be overly burdensome. Norman Wright shall produce the responsive documents no later than January 8, 2010.

IT IS FURTHER ORDERED that Plaintiffs' motion is GRANTED as to Document Request No. 127. The scope of discovery is broad. Plaintiffs have made a colorable argument regarding the relevance of the documents sought to the claims remaining after summary adjudication. Norman Wright has not shown that production of the documents is unduly burdensome.

IT IS FURTHER ORDERED that the deadline for the parties to file any discovery motions is extended to December 30, 2009. With regard to any discovery orders issued after December 14, 2009, including this order, the deadline to move to compel compliance is 5 court days after the

Norman Wright shall bear the cost of this production for the time being. After the close of discovery, if any party believes cost shifting of production costs is warranted, they may bring a motion for such cost shifting.

deadline set in any such order, or 3 weeks after issuance of the order, whichever is later. IT IS FURTHER ORDERED that the deadline for designation of experts with reports is extended to January 15, 2010. The designation of experts with reports is extended to January 29, 2010. The close of expert discovery is extended to March 12, 2010. IT IS FURTHER ORDERED that the omnibus hearing on motions for discovery sanctions is continued to 10:00 a.m. on March 30, 2010. Dated: 12/18/09 United States Magistrate Judge