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, **INTERIM ORDER CONTINUING** HEARING ON DEFENDANT F.W. SPENCER 14 & Son, Inc.'s Motion to Compel v. PLAINTIFF ADVANCED MICROTHERM, INC. 15 NORMAN WRIGHT MECHANICAL TO COMPEL PLAINTIFF ADVANCED EQUIP. CORP., et al., MICROTHERM TO PROVIDE FURTHER 16 RESPONSES TO SPECIAL Defendants. INTERROGATORIES 1-16; AND DENYING 17 REQUEST FOR SANCTIONS 18 On December 30, 2009, Defendant F.W. Spencer & Son, Inc. ("Spencer") filed a Motion to 19 Compel Plaintiff Advanced Microtherm, Inc. to Provide Further Responses to Special Interrogatories 20 1-16 and Request for Sanctions. Plaintiffs opposed the motion. Having reviewed the papers 21 submitted by the parties, the court finds it appropriate to issue this interim order. Based on the 22 moving, opposition and reply papers, and the file herein, 23 IT IS HEREBY ORDERED that Spencer's motion to compel further responses to interrogatories is CONTINUED to March 23, 2010. Many of Defendant Spencer's complaints about 25 Plaintiff's responses to interrogatories are similar to Defendant Norman Wright's complaints about 26 Plaintiff's responses to interrogatories. The court finds that judicial economy will best be served by 27 deferring hearing on Defendant Spencer's motion to compel until after hearing and ruling on 28 Defendant Norman Wright's motion to compel, and an opportunity for Plaintiff and Spencer to meet

and confer to narrow their dispute in light of the court's rulings on Defendant Norman Wright's motion. IT IS FURTHER ORDERED that, no later than March 17, 2010, Plaintiff and Defendant Spencer shall file a joint, or separate, brief(s) setting forth what issues remain in dispute for the March 23, 2010 hearing. IT IS FURTHER ORDERED that Spencer's request for sanctions is DENIED. See CIVIL L.R. 7-8(a). Dated: 2/26/10 United States Magistrate Judge