

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

ADVANCED MICROTHERM, INC., et al.,  
  ) Plaintiffs,  
  )  
  ) v.  
  )  
NORMAN WRIGHT MECHANICAL  
EQUIP. CORP., et al.,  
  ) Defendants.  
  )

Case No.: C 04-2266 JW (PVT)  
**ORDER SCHEDULING RULE 26(e)  
SUPPLEMENTATION; AND  
FINDING PLAINTIFFS’ MOTION TO  
COMPEL CONTINUING DISCOVERY  
RESPONSES UNDER RULE 26 MOOT,  
AND VACATING HEARING  
THEREON**

On February 6, 2009, this court issued orders broadening the current scope of discovery. On March 12, 2009, District Judge Ware overruled objections to the broadened scope of discovery that had been filed by Defendant Norman Wright Mechanical Equipment Corporation. Based on the file herein,

IT IS HEREBY ORDERED that, absent agreement of the parties or further order of this court otherwise, all remaining parties in this case shall supplement and/or correct their disclosures and discovery responses pursuant to Federal Rules of Civil Procedure 26(e) no later than April 20, 2009. Rule 26(e) provides, in relevant part:

- “(e) Supplementation of Disclosures and Responses.
- “(1) In General.
- “A party who has made a disclosure under Rule 26(a) — or who has responded to an interrogatory, request for production, or request for admission

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

— must supplement or correct its disclosure or response:

\* \* \* \*

“(B) as ordered by the court.”

This case has been pending for seven years. In light of the recently broadened scope of discovery, and the need to advance this case to trial, the court finds it appropriate to set a specific date for the parties to supplement their prior disclosures and discovery responses under the broadened scope of discovery. Nothing herein relieves any party of its obligation to continue to supplement its disclosures and responses after April 20, 2009, if such supplementation is required pursuant to Rule 26(e)(1)(a) or (2).

IT IS FURTHER ORDERED that, in light of the foregoing order, Plaintiffs’ Motion to Compel Discovery Responses under F.R.C.P. 26 is MOOT and the hearing thereon is VACATED.

Dated: 3/20/09

  
PATRICIA V. TRUMBULL  
United States Magistrate Judge