

1 ordered by this court is extended from April 20, 2009 to April 22, 2009. The Rule 26(e)
2 supplementation is limited at this time to any evidence the parties would seek to use at a trial limited
3 to the currently designated 15 projects.¹ In the event Judge Ware adopts this court's
4 recommendation (by separate order) that the stay on discovery outside the scope of the fifteen
5 projects be lifted, the parties shall promptly meet and confer regarding a date for further Rule 26(e)
6 supplementation.

7 IT IS FURTHER ORDERED that, the protocol for seeking modification of any of the
8 limitations set forth herein shall be the procedures set forth in this court's Civil Rule 7. The parties
9 shall meet and confer regarding any requested modifications before filing a motion. If a party
10 believes expedited briefing is warranted, it shall file the procedures set forth in Civil Rule 6. These
11 same procedures shall be used for any future discovery disputes, except for any mid-deposition
12 disputes that may arise. In the event of a mid-deposition dispute, the parties shall contact chambers
13 staff (408-535-5434) to arrange a time for a telephone hearing.

14 IT IS FURTHER ORDERED that Plaintiffs may take a ½ hour deposition of Richard Leao to
15 clarify what profit/loss documentation Defendant Norman Wright Mechanical Equipment
16 Corporation ("Norman Wright") maintains on a project by project basis. This deposition does not
17 count towards the limitations set forth above.

18 IT IS FURTHER ORDERED that this courts' order of April 6, 2009 is modified as follows:
19 Defendant Norman Wright shall produce *all* salesperson expense reports for the period 1998 through
20 2003 for Northern California. As used herein, "Northern California" is deemed to include all
21 territory included in Norman Wright's exclusive manufacturing agreements, even if some of that
22 territory is in Nevada. Bank account numbers and credit card numbers may be redacted from the
23 salesperson expense reports. No other information shall be redacted. As used herein, the term
24 "salesperson expense report" does not include house accounts or the owners' credit card accounts.
25 However, to the extent the owners submit expense reports similar to those submitted by salespersons
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27 ¹ Thus, it includes any company wide information that would potentially be admissible at
28 such a trial, any information Defendant Norman Wright would seek to introduce to "put the 15 projects
in context," and any information on issues such as market definition and market share that any party
would seek to introduce at such a trial.

1 for reimbursement, any such reports *are* included. To the extent Plaintiffs believe the owners may
2 have other documentation related to any relevant gratuities, Plaintiffs may propound three document
3 requests, three interrogatories and take a one hour 30(b)(6) deposition. This discovery does not
4 count towards the limitations set forth above.

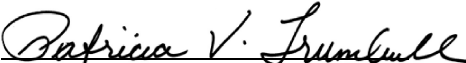
5 IT IS FURTHER ORDERED that this court's prior orders are clarified as follows: the
6 companywide financial information the court ordered Norman Wright to produce does not include
7 tax returns. Plaintiffs are free to request such documents from Norman Wright, and if the parties
8 cannot reach agreement regarding whether the documents are discoverable, Plaintiff may file a
9 motion to compel.

10 IT IS FURTHER ORDERED that this court's prior orders are clarified as follows: the court
11 did not intend to compel Defendant F.W. Spencer to produce financial documents, because Plaintiffs
12 did not submit to the court any document requests it had propounded on that Defendant. The court's
13 inadvertent references to "Defendants" are hereby corrected to read "Defendant Norman Wright."
14 This order is without prejudice to Plaintiffs propounding document requests on F.W. Spencer for any
15 financial documents they believe are discoverable in this case.

16 IT IS FURTHER ORDERED that, with regard to how much time is allotted to each side in
17 particular depositions, the parties shall meet and confer in advance of each deposition. If they cannot
18 agree on an allotment of time, they may bring a joint motion for court assistance. Absent further
19 order of the court, any such joint motion regarding allotment of time at a particular deposition will be
20 submitted without further briefing or oral argument.

21 IT IS FURTHER ORDERED that the parties shall appear for a further discovery status
22 conference at 10:00 a.m. on May 19, 2009. If the parties wish to have the court rule on any
23 discovery disputes at that time, they must comply with the notice and briefing requirements of Civil
24 Local Rule 7 (and, if shortened time is needed, Civil Local Rule 6). No later than May 12, 2009, the
25 parties shall file either joint or separate discovery status report(s).

26 Dated: 4/7/09

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28 PATRICIA V. TRUMBULL
United States Magistrate Judge