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E-FILED 1/23/2009

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES *ex rel.* DONNA M.
McLEAN and THE STATE OF CALIFORNIA
ex rel DONNA M. McLEAN,

No. C05-01962 HRL

ORDER RE CASE MANAGEMENT

Plaintiffs,

v.

THE COUNTY OF SANTA CLARA, THE
DEPARTMENT OF CHILDREN AND
FAMILY SERVICES OF SANTA CLARA
COUNTY, KENNETH BORELLI,
LAWRENCE GALLEGOS, EPIFANIO (“J.R.”)
REYNA, TANYA BEYERS, DR. DEE
SCHAFFER, DR. TOMMIJEAN THOMAS,
DR. RICHARD PERILLO and DOES 1-100,

Defendants.

Relator Donna McLean requests leave to conduct additional discovery as to the allegations of her Amendment to Complaint. She apparently wishes to propound several requests for admission, contention interrogatories and related document requests. (See Docket #223 at 16). However, she has previously represented that the Amendment to Complaint is merely a supplement of the allegations in the original complaint. And, indeed, the Amendment to Complaint says as much. Moreover, it appears that McLean has been actively conducting a host of discovery as to the subject matter of the Amendment to Complaint. As such, this court is disinclined to permit any further discovery.


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Nevertheless, this court is willing to review McLean’s proposed discovery requests to determine whether she should be permitted to pursue them. Accordingly, no later than **February 6, 2009**, McLean shall e-file her proposed discovery requests for this court’s review. Defendants shall also have the opportunity to submit a response as to why McLean’s proposed discovery should not be allowed or why and how it should be limited. Any such response shall be filed by **February 20, 2009**.

Defendants’ pending motion for summary judgment will be terminated, without prejudice to defendants to re-notice the motion following the court’s decision as to whether further discovery on the allegations of the Amendment to Complaint will be permitted.

SO ORDERED.

Dated: January 23, 2009



HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

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5:05-cv-1962 Notice has been electronically mailed to:

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- Joan Eve Trimble joan_trimble@cmwlaw.net, patricia_inabnet@cmwlaw.net
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Counsel are responsible for distributing copies of this document to co-counsel who have not registered for e-filing under the court’s CM/ECF program.

Copy of order mailed to:

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