

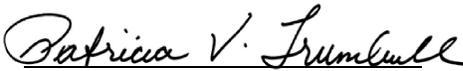
1 limits for good cause shown.

2 IT IS FURTHER ORDERED that the Rule 26(d)(1) stay on discovery is lifted and discovery
3 is now open. The parties had agreed to delay commencement of discovery until after initial
4 disclosures. However, it is clear from the record and discussions at the discovery conference that the
5 Plaintiffs' agreement to that delay was based on their proposal that Defendants agree, or this court
6 order, that Defendants turn over certain documents without a document request. It further appears
7 from discussions at the discovery conference that requiring the parties to follow the usual procedure
8 of serving document requests, and then moving to compel if warranted, will best facilitate resolution
9 of the parties' disputes regarding what documents are relevant, and which relevant documents may
10 be withheld on grounds of privilege or work product protections.

11 IT IS FURTHER ORDERED that any issues regarding the format for production of
12 electronic documents shall be addressed pursuant to the procedures set forth in Rule 34 (b)(1)(C) &
13 (b)(2)(D), and, if warranted, a motion by the requesting party to compel production in the requested
14 format.

15 IT IS FURTHER ORDERED that any disputes the parties have regarding setting a deadline
16 for Plaintiffs to file a motion for class certification must be addressed in a motion before Judge
17 Ware, because his October 1, 2008 referral of matters to this court was limited to developing a
18 discovery plan¹ and does not encompass that issue.²

19 Dated: 10/22/08

20 
21 PATRICIA V. TRUMBULL
22 United States Magistrate Judge
23
24

25 ¹ Any discovery or disclosure disputes are already automatically referred to this court by
26 virtue of the San Jose Division's Standing Order Regarding Case Management in Civil Cases, which
27 provides that "All disclosure or discovery disputes in cases assigned to district judges are referred to the
28 assigned magistrate judge for determination pursuant to Fed.R.Civ.P. 72(a)."

² Due to some confusion regarding the scope of the referral to this court, the parties
included in their Discovery Conference Statements some issues that appear to be outside the scope of
the referral. This court is, of course, willing to handle any non-dispositive matters District Judge Ware
wishes to refer.