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14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA

17 CHAD BRAZIL and STEVEN SEICK,
 18 individually and on behalf of all others
 similarly situated,

Case No. C-07-01700 RMW

**ORDER REGARDING
 DISCOVERY**

19 Plaintiffs,

20 v.

21 DELL INC. and Does 1-10,

22 Defendant.

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1 **ORDER**

2 On September 26, 2008, this matter came to be heard upon a Status Conference at
3 which counsel for all parties appeared. After the Status Conference, the parties submitted a
4 Stipulation Regarding Discovery. After consideration thereof, it is hereby ORDERED as follows:

5 1. Pending the Court’s ruling on Defendant Dell Inc.’s Motion for Order
6 Dismissing Plaintiffs’ Second Amended Complaint [“SAC”] With Prejudice and Striking
7 Plaintiffs’ Class Allegations (“Motion to Dismiss SAC”), discovery shall be limited to:

8 a. relevant marketing documents and general marketing guidelines for
9 the product models Plaintiffs purchased, which shall expressly include documents concerning
10 Defendant’s general marketing policies relevant to the price-discounting practices alleged in the
11 SAC, including without limitation, Defendant’s references to list prices, mail-in rebates, and
12 offers of free products and services; and

13 b. the deposition of Defendant pursuant to Fed. R. Civ. P. 30(b)(6) on
14 the subjects of: (i) the definitions and meanings of the terminology, acronyms, and abbreviations
15 contained in the documents produced in the litigation, as they relate to Defendant’s marketing of
16 its products and services at issue in the SAC; and (ii) the identity of documents comprising or
17 evidencing Defendant’s general marketing policies or guidelines relevant to the price-discounting
18 practices alleged in the SAC, including without limitation, Defendant’s references to list prices,
19 mail-in rebates, and offers of free products and services.

20 2. Subsequent to the Court’s Ruling on the Motion to Dismiss the SAC,
21 discovery shall proceed as follows:

22 a. In the event the Court’s ruling on the Motion to Dismiss the SAC
23 leaves Plaintiffs with one or more of putative class claims, or at such time as the Court rules that
24 Plaintiffs may go forward with one or more of their putative class claims, then discovery will be
25 opened at that time with respect to all such claim(s), subject to the parameters of Fed. R. Civ. P.
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b. If the Court strikes the class definition or takes any other action that leaves Plaintiffs without a putative class claim, the parties shall meet and confer regarding the proper scope of discovery and, to the extent they cannot reach an agreement, jointly request a further case management conference seeking the Court's guidance with regard to the proper scope of discovery.

3. The parties shall continue to, in good faith, focus discovery prior to the filing of the class certification motion on issues related to class certification.

IT IS SO ORDERED.

Dated: October 10, 2008



Hon. Ronald M. Whyte
United States District Judge