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 MANDARIN GOURMET, SCOTT LIN, CHENG LI  
 7 CHIN,  
 8 LIN JEAN, and LIU HAI PING

9 UNITED STATES DISTRICT COURT  
 10 FOR THE  
 11 NORTHERN DISTRICT OF CALIFORNIA

13 FRANCISCO CERVANTES, JOSE LOPEZ,  
 14 RAMON RAMOS and JORGE LOPEZ,

15 Plaintiffs,

16 vs.

17 LIU CHENG, INC., dba MANDARIN  
 18 GOURMET, SCOTT LIN, CHENG LI CHIN,  
 19 LIN JEAN and LIU HAI PING,

20 Defendants.  
 21

**Case No. C08-03817 JW PVT**

**STIPULATION AND ORDER  
 RE PLAINTIFFS' MOTIONS  
 TO COMPEL RESPONSES TO  
 INTERROGATORIES AND  
 PRODUCTION OF DOCUMENTS,  
 AND MOTION FOR SANCTIONS**

Judge: Honorable Patricia V. Trumbull

Action Filed: August 11, 2008

Trial Date: March 10, 2009

22  
 23 WHEREAS on March 20, 2009, Plaintiffs Francisco Cervantes, José López, Ramón  
 24 Ramos, and Jorge López (collectively, "Plaintiffs") served upon Defendants Liu Cheng, Inc.,  
 25 dba Mandarin Gourmet, Scott Lin, Cheng Li Chin, Lin Jean, and Liu Hai Ping (collectively,  
 26 "Defendants") their First Set of Interrogatories and First Set of Requests for Production of  
 27 Documents;  
 28

1           WHEREAS on April 17, 2009, Defendants served upon Plaintiffs their Responses and  
2           Objections to Plaintiffs' Interrogatories and Requests for Production of Documents;

3           WHEREAS on August 9, 2009, Plaintiffs filed a Motion to Compel Further Responses to  
4           Interrogatories, a Motion to Compel Production of Documents, and a Motion for Sanctions;

5           WHEREAS on August 25, 2009, Defendants filed an Opposition to Plaintiffs' Motions  
6           to Compel Responses to Interrogatories and Production of Documents, and accompanying  
7           Motion for Sanctions;

8           WHEREAS on September 3, 2009, this Court issued an Interim Order re Plaintiffs'  
9           Motions to Compel Production of Documents, Answers to Interrogatories and for Sanctions in  
10           which the Court ordered that the hearing on Plaintiffs' Motions to Compel Responses to  
11           Interrogatories and Production of Documents would be continued to October 6, 2009, and that  
12           the hearing on Plaintiffs' accompanying Motion for Sanctions would be continued to November  
13           3, 2009, (*see* Interim Order, Sep. 3, 2009 at 1);

14           WHEREAS in its September 3, 2009 Interim Order, the Court further ordered that the  
15           parties "meet and confer *in person* regarding the discovery requests at issue in the motions to  
16           compel production of documents and to compel answers to interrogatories," (*id.* at 1);

17           WHEREAS in its September 3, 2009 Interim Order, the Court further ordered that, "no  
18           later than September 22, 2009, Defendants shall file a supplemental opposition brief that  
19           addresses each and every document request and interrogatory that remains in dispute after the  
20           parties' meet and confer," (*id.* at 1-2);

21           WHEREAS in its September 3, 2009 Interim Order, the Court further ordered that, no  
22           later than September 29, 2009, the parties shall submit a "protective order to govern the handling  
23           of confidential information," and that "[i]n light of this protection, no information relevant to  
24           this action may be withheld from discovery solely on grounds of privacy and/or confidentiality,"

1 (id. at 2);

2 WHEREAS on September 17, 2009, the parties met and conferred in person regarding all  
3 discovery requests at issue in Plaintiffs' Motions to Compel Responses to Interrogatories and  
4 Production of Documents;

5 WHEREAS on September 21, 2009, the parties met and conferred again regarding the  
6 discovery requests at issue in Plaintiffs' Motions to Compel Responses to Interrogatories and  
7 Production of Documents;

8 WHEREAS the parties presently appear to have resolved the dispute by agreeing to a  
9 timetable for exchange of further discovery to take place by October 16, 2009, to include  
10 amendment of various discovery requests and responses;

11 WHEREAS the agreed exchange pertains to a significant amount of new evidence  
12 heretofore not identified, reviewed, or exchanged;

13 WHEREAS in light of this agreed exchange, Defendants have agreed to presently  
14 withhold from filing any further opposition to the pending Motions and Plaintiffs have agreed, in  
15 principle, upon satisfaction of their pending discovery requests, that they shall withdraw the  
16 pending Motions; and

17 WHEREAS the parties have further agreed that on October 21, 2009, they shall meet and  
18 confer once again regarding all outstanding discovery requests and responses at issue.

19 THE PARTIES NOW THEREFORE STIPULATE AND AGREE AS FOLLOWS:

- 20
- 21 1) The deadline for Defendants to file a supplemental opposition brief that addresses each  
22 and every document request and interrogatory that remains in dispute after the parties'  
23 October 21, 2009 meet-and-confer shall be extended to and including October 27, 2009;
  - 24 2) The deadline for Plaintiffs' reply shall be extended to and including November 3, 2009;
  - 25 3) The hearing on Plaintiffs' Motions to Compel Responses to Interrogatories and  
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