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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

12 DAVID WEBB,

13 Plaintiff,

14 v.

15 OLIVE GARDEN ITALIAN
RESTAURANTS, ET AL.,

16 Defendants.
17

Case No. C 08-04913 PVT

**ORDER DENYING WITHOUT
PREJUDICE PLAINTIFF DAVID
WEBB'S MOTION FOR LIMITED
DISCOVERY**

[Docket No. 47]

18 On April 23, 2009, plaintiff David Webb proceeding *pro se* moved for limited discovery
19 of personnel and criminal background records of certain individuals employed by the Olive
20 Garden Italian Restaurants. On May 8, 2009, defendant Olive Garden Restaurants filed a letter
21 dated May 8, 2009 which objected to the request for personnel and criminal background records
22 on the grounds that the request was premature pursuant to Rule 26(f).

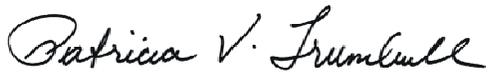
23 Rule 26(f) states in pertinent part that “[a] party may not seek discovery from any source
24 before the parties have conferred as required by Rule 26(f).” Fed. R. Civ. P. 26(d). Generally, a
25 Rule 26(f) conference is held “at least 21 days before a scheduling conference is to be held or a
26 scheduling order is due under Rule 16(b).” Fed. R. Civ. P. 26(f).

27 Here, the case management conference is scheduled to be held on June 30, 2009 and the
28 case management conference statement is due no later than June 23, 2009. *See* Docket No. 51.

1 Therefore, plaintiff Webb's motion for limited discovery is premature. Accordingly, plaintiff
2 Webb's motion for limited discovery is denied without prejudice. In the event plaintiff Webb
3 seeks to renew his motion for discovery, he is advised to review the local rules (especially Civ.
4 L.R. 7), which are available on the court's website located at www.cand.uscourts.gov.

5 IT IS SO ORDERED.

6 Dated: May 14, 2009

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8 PATRICIA V. TRUMBULL
9 United States Magistrate Judge
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1 *Counsel automatically notified of this filing via the court's Electronic Case Filing system.*

2 copies mailed on May 14, 2009 to:

3 David Webb
4 PO Box 312
5 Clearfield, Utah 84089

6 EHP
7 Chambers of US Magistrate Judge
8 Patricia V. Trumbull
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