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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Facebook, Inc.,

NO. C 08-05780 JW

Plaintiff,

**ORDER SETTING BRIEFING SCHEDULE
FOR PLAINTIFF'S MOTION TO
COMPEL**

v.

Power Ventures, Inc., et al.,

Defendants.

On July 14, 2011, the Court transferred all discovery motions in this case from Magistrate Judge Lloyd to Judge Ware. (See Docket Item No. 115.) In its July 14 Order, the Court stated that any motions “in which briefing is complete are hereby taken under submission,” while noting that the July 14 Order “does not apply to any motions which have been heard or taken under submission” by Judge Lloyd. (See id.) In addition, the Court ordered the parties to file a Joint Statement apprising the Court of any pending motions, and providing a brief review of the parties’ positions. (Id.) Pursuant to the Court’s July 14 Order, on July 29, 2011 the parties filed a Joint Statement to “summarize [a] discovery dispute that was taken under submission” by Judge Lloyd. (See Docket Item No. 119 at 1.) In their Joint Statement, the parties contend that, pursuant to Judge Lloyd’s standing orders, their prior submission to Judge Lloyd of a Discovery Dispute Joint Report “had the same effect as the complete briefing by the parties of a Motion to Compel.”¹ (Id.)

¹ The parties further contend that “[s]hould the Court prefer that [their Discovery Dispute Joint Report] be re-filed and briefed as a formal noticed Motion to Compel, the parties are prepared to comply with such a request.” (Id.)

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Contrary to the parties' understanding, the Court has verified with Judge Lloyd that he currently has no discovery motions under submission for consideration in this case. Accordingly, to expedite the resolution of the outstanding discovery issues referred to in the parties' Joint Statement, the Court ORDERS as follows:

- (1) On or before **August 10, 2011**, Plaintiff shall file a Motion to Compel addressing the issues raised in the Joint Statement.
- (2) On or before **August 17, 2011**, Defendants shall file their Opposition to the Motion to Compel.
- (3) No Reply shall be filed. Upon completion of the briefing, the Court will take the matter under submission. See Civ. L.R. 7-1(b).

Dated: August 3, 2011



JAMES WARE
United States District Chief Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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Dated: August 3, 2011

Richard W. Wieking, Clerk

By: /s/ JW Chambers
Susan Imbriani
Courtroom Deputy