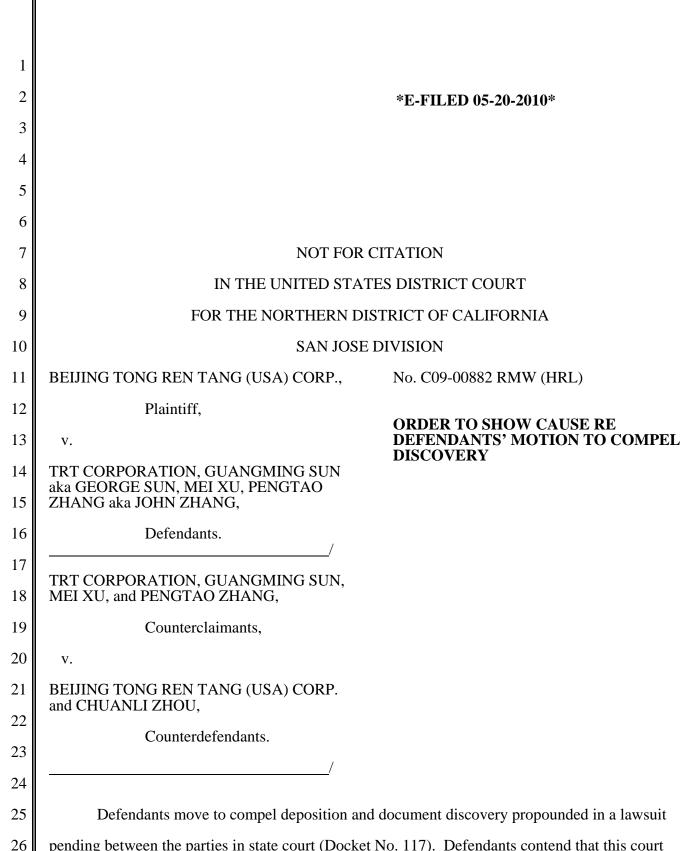
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Defendants move to compel deposition and document discovery propounded in a lawsuit pending between the parties in state court (Docket No. 117). Defendants contend that this court properly may resolve any disputes in connection with that discovery because Judge Whyte has admonished the parties to avoid duplicative discovery as between that state court lawsuit and

the instant federal case. (See Docket No. 90, Dec. 18, 2009 Order Denying Motion to Stay Proceedings). To be sure, Judge Whyte encouraged the parties to coordinate the discovery in both actions, such that discovery obtained in one case may be used in the other. (See id. at 4-5). However, this court does not read that order to mean that discovery disputes arising in the course of the state court proceedings properly should be brought before this court for resolution.

Accordingly, no later than May 27, 2010, defendants shall respond in writing (no more than 5 pages) to this order to show cause, including citations to competent authority, why this court should address discovery disputes that have arisen in connection with discovery served in the state court litigation. Upon review of defendants' response, this court will set a show cause hearing if it determines that one is necessary. Otherwise, the matter will be deemed submitted upon the filing of defendants' response.

The May 25, 2010 hearing on defendants' motion to compel is vacated, and will be reset, if necessary, after this order to show cause is resolved.

SO ORDERED.

Dated: May 20, 2010