

United States District Court
For the Northern District of California

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E-FILED 05-20-2010

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

BEIJING TONG REN TANG (USA) CORP.,

No. C09-00882 RMW (HRL)

Plaintiff,

v.

**ORDER TO SHOW CAUSE RE
DEFENDANTS' MOTION TO COMPEL
DISCOVERY**

TRT CORPORATION, GUANGMING SUN
aka GEORGE SUN, MEI XU, PENGTAO
ZHANG aka JOHN ZHANG,

Defendants.

TRT CORPORATION, GUANGMING SUN,
MEI XU, and PENGTAO ZHANG,

Counterclaimants,

v.

BEIJING TONG REN TANG (USA) CORP.
and CHUANLI ZHOU,

Counterdefendants.

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


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

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

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

14 SO ORDERED.

15 Dated: May 20, 2010



HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

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