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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

COATEK, INC.,	)	Case No.: C 09-03514 JW (PSG)
	)	
Plaintiff and Counterclaim	)	<b>ORDER GRANTING AS UNOPPOSED</b>
Defendant,	)	<b>DEFENDANT ITEQ'S MOTION TO</b>
v.	)	<b>COMPEL</b>
	)	
ITEQ CORPORATION,	)	<b>[Docket No. 52]</b>
	)	
Defendant and	)	
Counterclaimant.	)	
_____	)	

Defendant and counter-claimant ITEQ Corporation moves to compel plaintiff and counter-claim defendant Coatek, Inc. to respond to requests for production of documents and interrogatories. ITEQ noticed a hearing on its motion for December 21, 2010. Pursuant to Civ. L.R. 7-3(a), an opposition or statement of non-opposition was due no later than November 30, 2010. To date, Coatek has not opposed the motion, or provided any response whatsoever. Pursuant to Rule 7-1(b), the motion is taken under submission and the hearing scheduled to be held on December 21, 2010 is vacated. Having reviewed the papers and considered the arguments of counsel,

IT IS HEREBY ORDERED that defendant ITEQ's motion to compel is granted as unopposed.

In this action, the sole claim is for breach of contract. The parties had agreed that Coatek would disclose to ITEQ its customer list for limited purposes. Contrary to the terms of the

1 agreement, however, Coatek has alleged that ITEQ later contacted its customers and unfairly used  
2 certain customer information, customer lists, and other proprietary information for its benefit. On  
3 April 12, 2010, ITEQ served Coatek with its first set of interrogatories and first set of requests for  
4 production of documents. Kline Decl., ¶¶ 3-4. ITEQ states that it has directed the discovery to the  
5 specific allegations in the breach of contract claim. Mot. at 2, 5. Rules 33 and 34 state that the  
6 responding party must serve answers and any objections within 30 days after being served. Here,  
7 Coatek has not responded to any of the above document requests or interrogatories. Accordingly,  
8 Coatek shall respond to the requests for production of documents and interrogatories no later than  
9 January 7, 2011.

10 IT IS SO ORDERED.

11 Dated: December 15, 2010



12 PAUL S. GREWAL  
13 United States Magistrate Judge  
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