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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

GUIFU LI, et al.,

 Plaintiffs,

 v.

A PERFECT DAY FRANCHISE, INC., et
al.,

 Defendants.

Case No.: C 10-1189 LHK PVT

**ORDER MODIFYING STIPULATION AND
ORDER TO LIMIT DISCOVERY WITHOUT
PREJUDICE TO A MOTION FOR
PROTECTIVE ORDER**

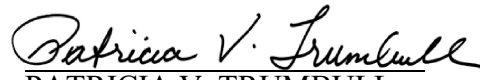
(Re: Docket No. 72)

On August 31, 2010, the court entered a Stipulation and Order to Limit Discovery (“Stipulation and Order”) that the parties had submitted and the court had approved. The parties have since contacted the court twice with mid-deposition disputes regarding the scope of discovery pursuant to the Stipulation and Order, and on October 29, 2010 Plaintiffs filed a motion to compel documents which Defendants have withheld, at least in part, on the grounds they fall outside the scope of the Stipulation and Order. Based on the file herein and the discussions during the two mid-deposition disputes,

IT IS HEREBY ORDERED that the stipulation and order to limit discovery is MODIFIED to make clear that the scope of discovery includes any information or documents that relate in any way to the agreements between the parties and the formation of those agreements. It has become increasingly clear that the parties had differing views of the scope of the Stipulation and Order when

1 they signed it. Because the burden is on a party seeking to limit discovery to show that the limitation
2 is warranted,¹ the court interprets the Stipulation and Order as imposing only the scope of discovery
3 the party opposing the limitation intended. To do otherwise would be to allow a party to limit
4 discovery over the objection of the opposing party without making the showing required by Rule
5 26(c). Thus, the court will not preclude Plaintiffs from obtaining discovery of documents and
6 information they deem relevant to their theories regarding the issue of arbitrability, absent a showing
7 by Defendants that a protective order is warranted. This order is without prejudice to Defendants
8 moving for such a protective order.

9 Dated: 11/1/10

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11 PATRICIA V. TRUMBULL
12 United States Magistrate Judge
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28 ¹ See *Oakes v. Halvorsen Marine Ltd.*, 179 F.R.D. 281, 283 (C.D.Cal. 1998) (“The party who resists discovery has the burden to show that discovery should not be allowed”).