

United States District Court  
For the Northern District of California

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**\*E-FILED: July 15, 2013\***

NOT FOR CITATION  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

CHARLES GUENTHER,  
Plaintiff,

No. C11-00380 EJD (HRL)

**ORDER RE DISCOVERY DISPUTE  
JOINT REPORT #1**

v.

LOCKHEED MARTIN CORPORATION;  
LOCKHEED MARTIN CORPORATION  
RETIREMENT PLAN FOR CERTAIN  
SALARIED EMPLOYEES; and DOES 1  
through 30,  
Defendants.

[Re: Docket No. 60]

In Discovery Dispute Joint Report (DDJR) #1, plaintiff seeks an order compelling defendants to respond to his requests for documents and for Fed. R. Civ. P. 30(b)(6) depositions. There is, however, a threshold issue whether discovery should be allowed at all in this case. Generally, that is a decision for the presiding judge to make. Moreover, in this case that issue apparently turns on the parties' disagreement over the proper standard of review of plaintiff's claims. This court is told that defendants have a pending summary judgment motion addressing that issue. Accordingly, plaintiff's request to compel discovery is denied as premature. The denial is without prejudice, depending on what the presiding judge decides.

SO ORDERED.

Dated: July 15, 2013

  
\_\_\_\_\_  
HOWARD R. LLOYD  
UNITED STATES MAGISTRATE JUDGE

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