

1 The court recognizes the constraints placed on the parties by the accelerated discovery and
2 trial schedule in this case, and has sought to assist resolution of these matters as quickly as
3 possible. Yet the court also finds that in most of these instances, motion practice has supplanted the
4 process of reasonable negotiation that the parties have been ordered to undertake through the lead
5 counsel meet and confer process. Whether due to high stakes, the complexity and number of issues,
6 the intransigence of the parties in their respective positions, or any combination of such factors that
7 stymies an incentive to compromise, the parties appear largely unable to communicate their
8 positions and objections in order to arrive at negotiated solutions for discovery without calling on
9 the resources of this court by way of an expedited request. In light of the pending motion, on the
10 heels of so many others, the court is thus forced to consider whether the mechanism of shortened
11 time has come under abuse in this case. That is, by continuously and successfully requesting to
12 jump to the head of the court's line, do Apple and Samsung unfairly obtain an expediency in
13 decisions-rendered that other litigants patiently standing in the queue do not or only rarely receive?
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15 The answer revealed by the docket in this case is, unfortunately, yes. Although it may not
16 be the province or responsibility of Apple or Samsung – or any individual party for that matter – to
17 consider the externalities that its tactics impose on those sharing the judicial resources of this court,
18 perhaps it should be.¹ In any event, the court cannot overlook its duty to balance the legitimate
19 needs of the parties in this case against the impact on other litigants who seek to be heard on a
20 reasonable schedule. For this reason, the court hereby orders as follows.

21 Samsung's motion to shorten time on its motion to permit Samuel Lucente to review
22 materials designated under the protective order is DENIED. Furthermore, the upcoming hearing on
23 shortened time on Apple's motion to compel timely production of foreign-language and other
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26 ¹ As required under Civ. L.R. 6-3, in moving to shorten time the parties ably present the harm or
27 prejudice to them that would result from proceeding by way of a normal, thirty-five day briefing
28 and hearing schedule.

1 documents in advance of related depositions is VACATED. Apple shall re-notice the hearing in
2 accordance with Civ. L.R. 7-2(a), the 35 days to be counted from the date of service of Apple's
3 motion.

4 **IT IS SO ORDERED.**

5 Dated: 1/31/2012

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9 PAUL S. GREWAL
10 United States Magistrate Judge
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