

United States District Court
For the Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

BAKHTIARI CORPORATION, et. al.,)	Case No.: 12-5183 LHK (PSG)
)	
Plaintiffs,)	ORDER RE LETTER BRIEF
v.)	(Re: Docket No. 31)
)	
REGISTER TAPES UNLIMITED INC., et. al.)	
)	
Defendants.)	

On May 22, 2013, the court granted-in-part Plaintiffs Bakhtiari Corporation, et. al.’s (“Bakhtiari”) motion to compel further responses to their first set of requests for productions (“RFPs”) and specifically required Defendants Register Tapes Unlimited, Inc., et. al. (“RTU”) to complete that production by June 7, 2013.¹ On the day of the production deadline, RTU filed a letter brief raising two issues regarding its inability to comply with that order.

First, RTU states that it is unable to respond to RFP 84 by the court’s June 7 deadline. While the court expresses serious reservations in granting an extension only brought to the court’s attention on the last day RTU was ordered to comply, RTU may have until June 20, 2013 to complete its production.


¹ See Docket No. 30.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Second, despite the court’s unequivocal ruling on the matter, RTU now argues it does not have to produce profit and loss information at this time pursuant to California Civil Code Section 3295(c). However, this court is not required to apply California procedural law,² and under Fed. R. Civ. P. 26 RTU’s financial information must be produced no later than June 20, 2013.

IT IS SO ORDERED.

Dated: June 10, 2013



PAUL S. GREWAL
United States Magistrate Judge

² See, e.g., Charles O. Bradley Trust v. Zenith Capital LLC, Case No. C-04-2239 JSW (EMC), 2005 WL 1030218, at *3 (N.D. Cal. May 3, 2005) (holding Cal. Civ. Code § 3295 to be inapplicable to discovery in the federal district courts); see also Oakes v. Halvorsen Marine Ltd., 179 F.R.D. 281, 285 (C.D. Cal. 1998) (ruling that Section 3295 is “clearly a procedural law”).