

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

JOSE SILVA,	)	Case No.:12-CV-05347-LHK
	)	
Plaintiff,	)	ORDER RE: SUPPLEMENTAL
v.	)	BRIEFING
	)	
TEKSYSTEMS, INC.,	)	
	)	
Defendant.	)	
	)	

---

The hearing on Defendant TEKsystems, Inc.’s Motion for Terminating, Evidentiary and Monetary Sanctions and to Disqualify Plaintiff’s Counsel, ECF No. 15 (the “Sanctions Motion”) is scheduled for July 25, 2013, at 1:30 p.m. On June 14, 2013, Defendant filed an Administrative Motion to Stay Proceedings pending a ruling on the Sanctions Motion. ECF No. 20 (“Motion to Stay”). On June 17, 2013, Plaintiff Silva filed an Opposition. ECF No. 21 (“Opposition”).

Plaintiff contends that the discovery Defendant seeks to stay consists of one interrogatory and two requests for production of documents. Opp’n at 2. Defendant contends that allowing this discovery to proceed would permit Plaintiff and Plaintiff’s counsel to “reap further benefits from their misconduct and taint this case further . . . and cause greater prejudice to Defendant.” Motion to Stay at 1. However, Defendant provides no link between the requested discovery and the disputed recording that is the subject of Defendant’s Sanctions Motion. Moreover, other than the

1 fact that Defendant's counsel was unable to refresh the memories of Brandon Randazzo and  
2 Timothy Hughes prior to their depositions, Defendant has not provided information about the  
3 prejudice that Defendant has suffered as a result of Plaintiff's alleged misconduct.  
4

5 The Court hereby ORDERS Defendant to file supplemental briefing by June 27, 2013, not  
6 to exceed four pages, identifying with specificity the relationship between the disputed recording  
7 and the discovery that Defendant wishes to stay, as well as the specific prejudice suffered by  
8 Defendant as a result of Plaintiff's alleged misconduct other than the reparation of Messrs.  
9 Randazzo and Hughes for depositions.

10 **IT IS SO ORDERED.**

11  
12 Dated: June 21, 2013

13   
14 LUCY H. KOH  
15 United States District Judge