UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

NETAPP, INC.,

Plaintiff,

v.

NIMBLE STORAGE, INC., MICHAEL REYNOLDS, an individual, DANIEL WEBER, an individual, SANDHYA KLUTE, an individual, TIMOTHY BINNING, an individual, NEIL GLICK, an individual, CHRISTOPHER ALDUINO, an individual, and Does 1-50,

Defendants.

Case No. 5:13-cv-05058 HRL

ORDER RE DISCOVERY DISPUTE JOINT REPORT NO. 1

[Re: Dkt. No. 43]

In Discovery Dispute Joint Report (DDJR) No. 1, plaintiff requests leave to conduct jurisdictional discovery in connection with defendants' pending motion to dismiss for lack of personal jurisdiction, and the parties apparently dispute the scope of discovery that properly may be taken at this stage of the litigation. Defendants maintain that this is a decision that properly rests with the presiding judge, arguing that there is no basis for general jurisdiction and that, any discovery must be limited to specific jurisdiction. The docket indicates that the parties stipulated that plaintiff's renewed motion for leave to conduct jurisdictional discovery could be set for hearing before Judge Koh on May 8, 2014. (Dkt. No. 39). Whether or not jurisdictional discovery should be allowed is a threshold question for the presiding judge to determine in the first instance.

There is no indication that Judge Koh has determined that jurisdictional discovery is necessary or appropriate to resolve defendants' pending motion, and she has not referred that particular question to the undersigned. Accordingly, the DDJR is denied, subject to whatever decision Judge Koh may make on that issue. [1]

SO ORDERED.

Dated: May 6, 2014

HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

United States District Court
Northern District of California

[1] If Judge Koh allows jurisdictional discovery and defines its permissible scope, then any disputes over the requests that are propounded properly would be brought before this court.

5:13-cv-05058-LHK Notice has been electronically mailed to:

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