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4 UNITED STATES DISTRICT COURT  
5 NORTHERN DISTRICT OF CALIFORNIA

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7 NEWMARK REALTY CAPITAL, INC.,

8 Plaintiff,

9 v.

10 BGC PARTNERS, INC., et al.,

11 Defendants.

Case No. 16-cv-01702-BLF (SVK)

**ORDER ON JOINT DISCOVERY  
LETTER BRIEF RE MOTION FOR  
DETERMINATION OF FURTHER  
DISCOVERY DISPUTE RE  
DEFENDANT'S MOTION TO COMPEL  
ESI FROM PLAINTIFF**

12 Re: Dkt. No. 320

13 Before the Court is the parties' Joint Discovery Letter Brief re Motion for Determination  
14 of Further Discovery Dispute re Defendant's Motion to Compel ESI from Plaintiff. ECF 320.  
15 The Court does not find Defendants' arguments that Plaintiff's internal emails merely referring to  
16 companies that Defendants either acquired or affiliated with in the years prior to such relationships  
17 compelling. Further, given the inability to narrow these searches in any meaningful way and the  
18 resultant hit counts, the Court does not find these ESI requests proportional to the needs of the  
19 case. Accordingly, Defendants' motion is DENIED.

20  
21 **SO ORDERED.**

22 Dated: May 2, 2018

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26 SUSAN VAN KEULEN  
United States Magistrate Judge