

United States District Court  
Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

STACY GUTHMANN,  
Plaintiff,  
v.  
CC-PALO ALTO, INC. D/B/A VI AT  
PALO ALTO, et al.,  
Defendants.

Case No. [5:16-cv-02680-LHK](#) (HRL)

**ORDER RE DISCOVERY DISPUTE  
JOINT REPORT NO. 2**

Re: Dkt. No. 38

This discovery dispute is about the adequacy of defendants’ responses to plaintiff’s Requests for Production of Documents (“RFPs”). The court issued an Interim Order requiring defendants to submit all new responses (Dkt. 39), and the defendants did so (Dkt. 43). Plaintiff was given time to file a reply (in which the plaintiff could have flagged any remaining insufficiencies), but plaintiff filed nothing.

The court then issued a Second Interim Order requesting the parties to affirm that the discovery dispute is resolved. (Dkt. 53). In the joint Supplemental Status Report (Dkt. 62) they filed in response to this Order the defendants say the dispute is resolved. Plaintiff disagrees.

Plaintiff makes three arguments. First, she says she is “convinced” that defendants continue to withhold responsive documents. The basis for her conviction is her assertion that lately defendants have produced additional responsive documents, even though they earlier said

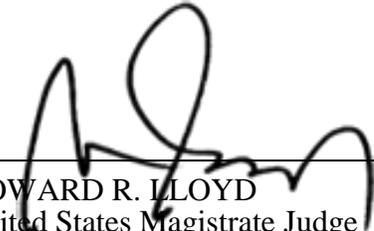
1 there were no more. Even if that is correct, it does not necessarily mean that there are still more.  
2 Nonetheless, within 5 days from the filing of this order, an officer or agent of each defendant, with  
3 authority to bind that defendant, will submit a declaration under penalty of perjury that all  
4 responsive documents have been produced.

5 The plaintiff's second argument, raised now for the first time (and without any  
6 elaboration), is that recent discovery responses by defendants "contradict or alter previous  
7 answers." She does not say what the court's response to this allegation should be, and perhaps she  
8 means it as a make-weight for her next argument.

9 Finally, she argues (also for the first time and without elaboration) that defendants  
10 withheld important documents until after close of fact discovery, and that she intends to bring a  
11 motion to reopen discovery. Any such motion should be addressed to the presiding judge.

12 SO ORDERED.

13 Dated: June 5, 2017

  
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HOWARD R. LLOYD  
United States Magistrate Judge

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5:16-cv-02680-LHK Notice has been electronically mailed to:

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