

United States District Court
For the Northern District of California

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FILED
MAY 25 2006
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

INTERNET ARCHIVE,
Plaintiff,

No. C06-0397 JSW (EMC)

v.

SUZANNE SHELL,
Defendant.

**NOTICE OF REFERENCE AND ORDER
RE DISCOVERY PROCEDURES**

TO ALL PARTIES AND COUNSEL OF RECORD:

The above matter has been referred to Magistrate Judge Edward M. Chen for all discovery matters. Please be advised that if a specific motion was filed before the District Court prior to this referral, the noticed date may no longer be in effect. All hearing dates are subject to the availability of Judge Chen's calendar. Please contact the Courtroom Deputy, Betty Fong, at (415) 522-2034, to confirm or, if necessary, reschedule the hearing date. **Regardless of whether the Court reschedules the hearing date, all opposition and reply papers shall be timely filed according to the originally noticed hearing date, pursuant to Civil L. R. 7-3.**

LAW AND MOTION PROCEDURES

Civil law and motion is heard on Wednesday mornings at 10:30 a.m., Courtroom C, 15th Floor, United States District Court, 450 Golden Gate Avenue, San Francisco, California 94102. Motions to compel may be noticed without reserving a hearing date, subject to the Court's availability. Discovery motions may be addressed to the Court in three ways. A motion may be noticed on not less than thirty-five (35) days notice pursuant to Civil L. R. 7-2. Alternatively, any

1 party may seek an order shortening time under Civil L. R. 6-3 if the circumstances justify that relief.
2 In emergencies during discovery events, the Court is available pursuant to Civil L. R. 37-1(b). In the
3 event a discovery dispute arises, counsel for the party seeking discovery shall in good faith confer in
4 **person** with counsel for the party failing to make the discovery in an effort to resolve the dispute
5 without court action, as required by Fed. R. Civ. P. 37 and Civil L. R. 37-1(a). The meeting must be
6 **in person**, except where good cause is shown why a telephone meeting is adequate. A declaration
7 setting forth these meet and confer efforts, and the final positions of each party, shall be included in
8 the moving papers. The Court will not consider discovery motions unless the moving party has
9 complied with Fed. R. Civ. P. 37 and Civil L. R. 37-1(a).

10 All filings of documents relating to motions referred to Magistrate Judge Chen shall list the
11 civil case number and the District Court Judge's initials followed by the designation "(EMC)."

12 All documents shall be filed at the Clerk's Office in compliance with the Civil Local Rules.
13 Documents not filed in compliance with those rules will not be considered by the Court.

14 At the time of filing of original papers with the clerk's office, the parties are required to
15 submit two conformed copies of each document, one of which shall be designated "**EMC**
16 **Chambers' Copy.**" The chambers' copy shall be submitted on 3-hole punched paper.

17 In all "E-Filing" cases, when filing papers that require the Court to take any action (e.g.
18 motions, meet and confer letters, administrative requests), the parties shall, in addition to filing
19 papers electronically, lodge with chambers a printed copy of the papers on three-hole punch
20 paper (including all exhibits) by the close of the next court day following the day the papers
21 are filed electronically. These printed copies shall be marked "EMC Chambers Copy" and
22 shall be submitted to the Clerk's Office in an envelope clearly marked with the case number,
23 "Magistrate Judge Edward M. Chen," and "E-Filing Chambers Copy." Parties shall not file a
24 paper copy of any document with the Clerk's Office that has already been filed electronically.
25 A proposed order in an E-Filing case must be emailed to emcpc@caand.uscourts.gov as a Word
26 Processing attachment on the same day that it is E-Filed. With permission, Chambers' copies of
27 documents may be submitted on CD-ROM with hypertext links to exhibits.
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In cases referred to Magistrate Judge Chen for discovery, if a party wishes to file a document under seal, that party shall first file a written request for a sealing order setting forth the good cause and accompanied by a proposed order, as provided by Civil L. R. 79-5.

Law and motion matters may be submitted without argument upon stipulation of the parties and notification of the Court no later than two (2) court days before the hearing. Pursuant to Civil L. R. 7-7(e), filed motions may be withdrawn without leave of the Court, within seven (7) days of the date for service of the opposition. Thereafter, leave of the Court must be sought.

The failure of counsel or a party to abide by this Order may result in sanctions pursuant to Federal Rule of Civil Procedure 16(f).

IT IS SO ORDERED.

Dated: May 25, 2006



EDWARD M. CHEN
United States Magistrate Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

INTERNET ARCHIVE,
Plaintiff,

v.

SUZANNE SHELL et al,
Defendant.

Case Number: CV06-00397 JSW

CERTIFICATE OF SERVICE

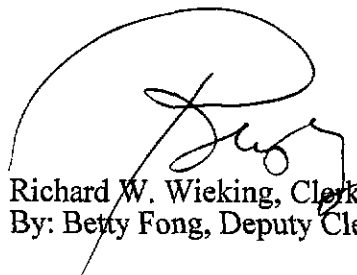
I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on May 25, 2006, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Kenneth B. Wilson
Sarah Elizabeth Piepmeier
Stefani E. Shanberg
Perkins Coie LLP
180 Townsend Street, 3rd Floor
San Francisco, CA 94107

Suzanne Shell
14053 Eastonville Road
Elbert, CO 80106

Dated: May 25, 2006



Richard W. Wieking, Clerk
By: Betty Fong, Deputy Clerk