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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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11 UNITED STATES OF AMERICA et al, No C 04-0807 VRW
12 Plaintiffs, ORDER
13 v
14 ORACLE CORPORATION,
15 Defendant.
16 _____/

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18 The court has received a March 11, 2004, letter from
19 defendant and a March 12, 2004, letter from plaintiff. The
20 parties disagree whether plaintiff immediately must begin
21 producing the investigation materials described in paragraph 4
22 of the joint case management statement and proposed order (Doc #
23 13) (the "Investigation Materials").

24 Misunderstandings of the court's directive at the March
25 10, 2004, case management conference appear to exist. This
26 order is intended to dispel any misunderstandings and to
27 expedite this litigation.
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1 In view of the accelerated trial schedule, swift and
2 cooperative discovery is imperative. The failure of either
3 party to conduct discovery in that manner invites sanctions
4 under FRCP 37.

5 The court DIRECTS plaintiff forthwith to begin
6 production to defendant's outside counsel, Latham & Watkins LLP,
7 of all Investigation Materials and to complete this production
8 not later than 4:00 pm PST, March 15, 2004. Access to the
9 Investigation Materials produced by plaintiff shall be limited
10 to Latham & Watkins until March 17, 2004. Beginning March 17,
11 2004, Latham & Watkins may disclose to defendant's designated
12 in-house counsel any Investigation Materials that are not
13 covered by a timely request for further protection made by a
14 third party. Any Investigation Materials that are covered by a
15 timely third party request for further protection may not be
16 disclosed to defendant's designated in-house counsel until the
17 court resolves any such request.

18 The clerk is DIRECTED to file defendant's March 11,
19 2004, letter, plaintiff's March 12, 2004, letter and defendant's
20 March 9, 2004, letter. The parties are DIRECTED both to e-file
21 and to provide chambers copies of all correspondence directed to
22 the court in the future.

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24 IT IS SO ORDERED.

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26 Date: 3/12/2004

/S/

27 VAUGHN R WALKER

28 United States District Judge