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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ORACLE CORPORATION, et al.,

Plaintiff(s),

No. C 07-1658 PJH

v.

**ORDER WITHDRAWING REFERENCE
TO SPECIAL MASTER AND REFERRING
CASE TO MAGISTRATE JUDGE**

SAP AG, et al.,

Defendant(s).

_____ /

The order referring and appointing a special discovery master, entered before the case was reassigned to the undersigned judge, is WITHDRAWN. The court finds that the provisions for the appeal of the special master's recommendations are unworkable and that they tend to encourage rather than discourage discovery motion practice. Because only one party is willing to consent to the entry of final orders by the special master, the court elects instead to refer the parties to Magistrate Judge Laporte to oversee discovery and resolve discovery disputes.

Judge Laporte is requested to conduct a discovery conference for the purpose of establishing a discovery plan for this case and a procedure for resolving disputes. Judge Laporte will determine how to handle the pending objections to the special master's three reports and recommendations, including deciding whether they should be re-briefed given that the stipulated procedure permitted no opposition briefs to be filed. The court has set certain limitations on discovery which Judge Laporte will have flexibility to modify upon a proper showing. The dispositive motions hearing, pretrial and trial dates, may not however, be modified.

The parties will be notified of the date and time for appearance at the discovery

1 conference by Judge Laporte.

2 **IT IS SO ORDERED.**

3 Dated: April 25, 2008



PHYLLIS J. HAMILTON
United States District Judge

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