



## Radillo v. Lunes

2007 | Cited 0 times | E.D. California | January 23, 2007

### ORDER RE MOTIONS (DOCS 34, 37)

On December 5, 2006, an order was entered, granting Plaintiff's request for an extension of time to complete discovery. The discovery cut-off date was extended to January 5, 2007. Defendants' request clarification of the December 5th order. Plaintiff failed to inform the court that his first set of interrogatories to Defendant Lunes contained more than twenty-five interrogatories. Defendant objected to responding to the interrogatories in excess of twenty-five, pursuant to Federal Rule of Civil Procedure 33.

Plaintiff propounded a second set of interrogatories, which was the basis for Plaintiff's request for an extension of the discovery cut-off date. This second set of interrogatories consists of twenty-five additional interrogatories for each Defendant. Counsel for Defendants correctly notes that Plaintiff may not propound additional discovery without leave of court. Defendants have indicated, however, that in an effort to move forward in good faith, they will not simply object to the discovery but seek to ascertain whether the Court was, in its December 5, 2006, order, implicitly allowing Plaintiff to propound more than 25 interrogatories. If so, Defendants request 30 days from the date of the Court's order clarifying its ruling to respond. Defendants also seek an extension of time to file a dispositive motion.

It is therefore ordered that: 1. Plaintiff is granted leave to propound an excess of twenty-five interrogatories, characterized by Plaintiff as his second set of interrogatories.

2. Defendants are granted an extension of time of thirty days from the date of service of this order in which to respond to the interrogatories.

3. The deadline for filing dispositive motions is extended to March 27, 2007.

IT IS SO ORDERED.

