



Halliday et al v. Spjute et al

2015 | Cited 0 times | E.D. California | April 23, 2015

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

MICHAEL IOANE, et al.,

Plaintiffs, v. KENT SPJUTE, et al.,

Defendants.

Case No. 1:07-cv-00620-AWI-GSA

ORDER COMPEL RESPONSES TO INTERROGATORIES (Doc. 213)

INTRODUCTION 1

responses to interrogatories propounded to defendants. Doc. 213. Defendants Kent R. Spjute, filed an opposition. Doc. 216. The motion was submitted on the papers pursuant to Local Rule

230(l). For the reasons discussed below ///

1 The factual background of this case is familiar to the Court and the litigants and will not be repeated here.

DISCUSSION A. Plaintiff served , dated January 27, 2014; Defendants received these requests on February 3, 2014. Docs. 213 at 2; 216 at 3. Plaintiff asse which he received on March 6, 2014, were untimely in that the certificate of service was back-dated to February 26, 2014. Doc. 213 at 2. served their responses on February 26, 2014 via U.S. Mail, as certified in the attached certificate of service. Docs. 216 at 3, 5.

Plaintiff next argues that Defendants made answering his interrogatories. Doc. 213 at 2. Plaintiff pounded

interrogatories or assert the 5 th

Plaintiff does not specify which responses he objects to and on what grounds. Instead of providing specific arguments, Plaintiff refers the Court, in blanket fashion, to numerous exhibits attached to



Halliday et al v. Spjute et al

2015 | Cited 0 times | E.D. California | April 23, 2015

his motion, none of which relate to i Plaintiff asks the Court to continue the non-expert discovery cutoff.

In their opposition, Defendants state that they timely served their responses and objections 216 at 5. They argue that consequently no extension of the discovery period is warranted. Doc.

216 at 5. /// /// ///

B. Applicable Legal Standards Pursuant to Fe obtain discovery regarding any matter, not privileged, that is relevant to the claim or defense of

any party Relevant information need not be admissible at the trial if the discovery appears reasonably calculated to lead to the discovery

Committee's note (2000 Amendment) (Gap Report) (Subdivision (b)(1)). The discovery process

is subject to the overriding limitation of good faith. *Asea, Inc. v. Southern Pac. Transp. Co.*, 669 F.2d 1242, 1246 (9th Cir. 1981). The Court must limit discovery if the burden of the proposed discovery outweighs its likely benefit. Fed.R.Civ.P. 26(b)(2)(C)(iii).

As clarified by several district courts, and Local Rule 250.2(c), Plaintiff as the moving party bears an initial burden of informing the Court which discovery requests are the subject of

justified, and why the documents sought are relevant to the claims at issue in the action. See, e.g., *Grabek v. Dickinson*, 2012 WL 113799, at *1 (E.D. Cal. Jan.13, 2012); *Womack v. Virga*, 2011 WL 6703958, at *3 (E.D. Cal. Dec.21, 2011); *Ellis v. Cambra*, 2008 WL 860523, at *4 (E.D. Cal. Mar.27, 2008); *Walker v. Karelas*, 2009 WL 3075575 at *1 (E.D. Cal. Sep.21, 2009); *Brooks v. Alameida*, 2009 WL 331358 at *2 (E.D. Cal. Feb.10, 2009). A party moving to compel discovery court Karelas The court will not review each of plaintiff's discovery requests and each of the defendant's responses thereto in order to determine whether any of the defendant's responses are somehow deficient. Plaintiff has the burden of describing why the defendant's particular response is inadequate party may disbelieve or disagree with a response to a discovery request ... is not a recognized ground for compelling discovery, absent some indication beyond mere suspicion that the response *Gray v. Faulkner*, 148 F.R.D. 220, 223 (N.D. Ind. 1992); also see *Jimena v. UBS AG Bank*, 2010 WL 4363193 at *3 (E.D. Cal. Oct. 25, 2010).

C. Analysis As a preliminary matter, the Court finds that Defendants timely served their responses to the certificate of service accompanying the responses was intentionally back-dated. In light of the responses were timely served on February 26, 2014. Since Plaintiff has not demonstrated good cause



Halliday et al v. Spjute et al

2015 | Cited 0 times | E.D. California | April 23, 2015

for any extension of the non-expert discovery deadline, the Court will not extend it here. The Court also cannot grant Plaintiff has not met his initial burden of identifying the specific interrogatory responses he disputes and his grounds for disputing them. See Brooks v. Alameida, 2009 WL 331358 at *2 (E.D. Cal. Feb.10, 2009)

Williams v. Flint, 2007 WL 2274520 at *1 (E.D.Cal. Aug.6, It is not ; Ellis v. Cambra, 2008 WL 860523 at *4 (E.D. m the court which discovery requests are the subject of his motion to compel, and, for each disputed response, inform the court why the Accordingly, DENIED in its entirety.

ORDER interrogatories propounded on Defendants is DENIED.

IT IS SO ORDERED. Dated: April 23, 2015 /s/ Gary S. Austin UNITED STATES MAGISTRATE JUDGE

