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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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Ali Partovi,

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No. CV 06-1792-PHX-EHC

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Plaintiff,

)

ORDER

vs.

)

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Carlos Martinez and Miguel Rodriguez,

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Defendants.

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14 On April 30, 2010, the Court entered an Order (Dkt. 49 - Order) extending the
15 discovery period as requested by Plaintiff in a Motion to Extend Discovery (Dkt. 48) filed
16 on April 28, 2010. Plaintiff had argued in part that timely disclosure of documents had not
17 occurred. Plaintiff informed the Court in the motion that Defendants had refused to stipulate
18 to an extension of the discovery period. The Court's Order (Dkt. 49) extended the discovery
19 period from May 14, 2010 to June 28, 2010.

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21 On the same date as the Court's Order was entered, but following entry of the Order,
22 Defendants filed an Opposition to Plaintiff's Motion to Extend Discovery (Dkt. 50).
23 Defendants argued that the Court previously had entered an Order (Dkt. 47 - Order) on
24 February 23, 2010 granting Plaintiff's request to re-open discovery and set May 14, 2010 as
25 the discovery completion date but that Plaintiff had made no attempt to conduct any
26 discovery until April 6, 2010. Defendants argued that Plaintiff had not demonstrated any
27 type of good cause for the requested discovery extension in the motion filed on April 28,
28 2010.

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In an Order (Dkt. 51 - Order) filed on May 11, 2010, the Court determined that

1 Defendants' Opposition Response (Dkt. 50) would be construed as a motion for
2 reconsideration of the Court's April 30, 2010 Order and set a briefing schedule.

3 Plaintiff filed a Response (Dkt. 52) on May 21, 2010. Defendants filed their Reply
4 (Dkt. 53) on June 1, 2010.

5 Plaintiff argues in the Response that counsel contacted Defendants' counsel on or
6 about March 24, 2010 for assistance in determining which government agency might be in
7 possession of relevant documents and thereafter issued a subpoena to the U.S. Immigration
8 and Customs Enforcement ("ICE") and Florence Correctional Center. In April 2010,
9 Plaintiff's counsel received some documents and objections were made as to other
10 documents. Additional documents were received in May 2010. Plaintiff argues that the
11 extension of time has allowed ICE to continue to locate relevant documents. Plaintiff's
12 counsel suggests that a protective order may be necessary for the release of other documents
13 and information. Plaintiff argues that deposition notices have been served, Defendants were
14 deposed on May 12, 2010, and discovery is moving forward. Plaintiff's counsel anticipates
15 the completion of discovery by the present deadline of June 28, 2010.

16 In their Reply, Defendants argue that Plaintiff has not demonstrated diligence in
17 seeking discovery, noting that Plaintiff waited nearly two months after the Court's February
18 23, 2010 Order before commencing any discovery procedure. Defendants point out that
19 Plaintiff did not issue a subpoena until April 6, 2010. Defendants contend that Plaintiff has
20 not offered any explanation for why Plaintiff waited to initiate discovery.

21 Pursuant to LRCiv 7.2(g)(1), the Court "will ordinarily deny a motion for
22 reconsideration of an Order absent a showing of manifest error or a showing of new facts or
23 legal authority that could not have been brought to its attention earlier with reasonable
24 diligence."

25 The Court has considered the parties' arguments and the circumstances presented.
26 Defendants have not demonstrated manifest error in the entry of Court's Order allowing an
27 extension of the discovery period until June 28, 2010.

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Accordingly,

IT IS ORDERED that Defendants' Opposition Response (Dkt. 50), considered as a motion for reconsideration of the Court's April 30, 2010 Order, is denied.

DATED this 10th day of June, 2010.



Earl H. Carroll
United States District Judge