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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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Sarah Green; Denise Green; Thomas Green,

No. CV-12-01399-PHX-FJM

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Plaintiffs,

ORDER

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vs.

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Gilbert Public Schools District No. 41, et al.,

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Defendants.

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Before the court is plaintiffs’ motion to compel (doc. 75), defendants’ response (doc. 84) and plaintiffs’ reply (doc. 87). Plaintiffs seek to “compel discovery as to the nature and extent of Defendants’ spoliation of evidence.” Motion at 1. Plaintiffs assert that defendants have refused to produce or preserve electronically stored information, falsified a report, and misrepresented their discovery production as complete. Id.

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Plaintiffs have cited no law supporting their position that defendants were required to maintain records in an electronic format. Moreover, plaintiffs make factual allegations and accusations without any evidentiary support. Defendants assert that they have produced in excess of 3,500 documents and responded to written discovery in excess of those permitted by our Rule 16 scheduling order. Defendants argue that plaintiffs’ discovery and public records requests are harassing and burdensome.

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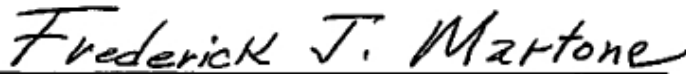
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1 Plaintiffs have failed to support their motion to compel either by legal authority or by
2 evidentiary support. We cannot grant a motion to compel based on plaintiffs' unsupported
3 statements alone.

4 **IT IS ORDERED DENYING** plaintiffs' motion to compel (doc. 75).

5 DATED this 9th day of October, 2013.

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8 **Frederick J. Martone**
9 **Senior United States District Judge**
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