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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Gary John Emerson,

10 Plaintiff,

11 v.

12 Corizon Health Services, et al.,

13 Defendants.
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No. CV-15-00093-PHX-ROS (ESW)

ORDER

15
16 This Order sets forth the Court's rulings on a number of pending Motions (Docs.
17 57, 60, 87, 90, 91, 93, 96, 100).

18 **I. DISCUSSION**

19 **A. Plaintiff's "Motion to Provide Addresses Under Seal" (Doc. 57) and**
20 **"Motion to Order" (Doc. 96)**

21 In July 2018, service was returned unexecuted as to Defendants Dr. Lasac and Dr.
22 Horwitz. (Docs. 78, 79). For good cause shown, the Court will grant Plaintiff's "Motion
23 to Provide Addresses Under Seal" (Doc. 57) and will require counsel for Defendant
24 Corizon Health, Inc. ("Corizon") to file under seal the last known addresses for
25 Defendants Lasac and Horwitz.¹

26 In August 2018, service was returned unexecuted as to Defendant Lavoy. (Doc.
27 92). For good cause shown, the Court will grant Plaintiff's "Motion to Order" (Doc. 96)

28 ¹ Plaintiff's Motion (Doc. 57) also seeks Defendant Grafton's last known address, who has now appeared (Doc. 82).

1 and will require Defendant Corizon to file under seal the last known address for
2 Defendant Lavoy.

3 **B. Defendant Corizon’s “Motion to Strike Plaintiff’s Proffer of Cases” (Doc.
4 60)**

5 In their June 5, 2018 Motion (Doc. 60), Defendant Corizon has moved to strike
6 Plaintiff’s May 7, 2018 filing captioned as “Plaintiff’s Proffer of Cases Where
7 Defendants and DOC Through Counsel Falsify/Conceal Evidence” (Doc. 51). For good
8 cause shown, the Court will grant Defendant Corizon’s Motion (Doc. 60).

9 **C. Plaintiff’s Motions to Compel (Docs. 87, 88, 91)**

10 On April 12, 2018, the Court issued a Scheduling Order setting forth a procedure
11 for resolving discovery disputes. (Doc. 44 at 3). In bold letters, the Court advised
12 the parties that the Court will not consider a motion regarding discovery matters unless
13 (i) the parties have attempted to resolve the matter through personal consultation and
14 sincere effort as required by Local Rule of Civil Procedure 7.2(j) and (ii) the
15 parties have participated in a discovery conference with the Court. The Scheduling
16 Order set forth the requirements for filing a request for a discovery conference, and
17 informed the parties that a request that does not comply with those requirements may
18 be stricken. (*Id.*). Finally, the Court advised the parties in bold letters that a
19 discovery motion that is filed in noncompliance with the requirements set forth in the
20 Scheduling Order may be stricken. (*Id.*). Plaintiff’s Motions to Compel (Docs. 87,
21 88, 91) do not comply with the requirements set forth in the Court’s Scheduling
22 Order. Accordingly, they will be stricken.

23 **D. Plaintiff’s “Motion to Abate Time First Request” (Doc. 90)**

24 Plaintiff requests that the discovery deadline be extended to December 7, 2018.
25 (Doc. 90). No response has been filed and the time to do so has passed. *See* LRCiv
26 7.2(i). The Court will grant Plaintiff’s “Motion to Abate Time First Request” (Doc. 90)
27 in part. The discovery deadline will be extended to November 7, 2018. The dispositive
28 motion deadline will be extended to December 7, 2018.

1 prepare service packets and forward them to the United States Marshals Service for
2 service of process.

3 **IT IS FURTHER ORDERED** extending the service deadline as to Defendants
4 Dr. Lasac, Dr. Horwitz, and Dr. Lavoy to **October 31, 2018**.

5 **IT IS FURTHER ORDERED** granting Defendant Corizon's "Motion to Strike
6 Plaintiff's Proffer of Cases" (Doc. 60).

7 **IT IS FURTHER ORDERED** striking "Plaintiff's Proffer of Cases Where
8 Defendants and DOC Through Counsel Falsify/Conceal Evidence" (Doc. 51).

9 **IT IS FURTHER ORDERED** striking Plaintiff's Motions to Compel (Docs. 87,
10 88, 91).

11 **IT IS FURTHER ORDERED** granting Plaintiff's "Motion to Abate Time First
12 Request" (Doc. 90).

13 **IT IS FURTHER ORDERED** extending the discovery deadline to **November 7,**
14 **2018**. The dispositive motion deadline is extended to **December 7, 2018**.

15 **IT IS FURTHER ORDERED** denying Plaintiff's "Motion to Disqualify Counsel
16 Due to Conflict" (Doc. 93).

17 **IT IS FURTHER ORDERED** granting Plaintiff's "Motion to Abate Time to
18 Serve Shuman" (Doc. 100).

19 **IT IS FURTHER ORDERED** extending the service deadline as to Defendant
20 Shuman to **November 30, 2018**.

21 Dated this 14th day of September, 2018.

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24 Eileen S. Willett
25 United States Magistrate Judge
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