

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	ED CV 17-2085-MWF (SPx)	Date	November 8, 2018
Title	Leslie A. Frias v. Target Corporation, et al.		

Present: The Honorable	Sheri Pym, United States Magistrate Judge
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Kimberly Carter Deputy Clerk	None Court Reporter / Recorder	None Tape No.
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Attorneys Present for Plaintiff: None Present	Attorneys Present for Defendant: None Present
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Proceedings: **(In Chambers) Order to Show Cause Why Motion Should Not Be Denied as Untimely**

On November 1, 2018, plaintiff filed a Motion to Compel. Although the motion was brought under Fed. R. Civ. P. 37, it was not filed in the form of a joint stipulation as required for all discovery motions by Local Rule 37-2. However, the motion was accompanied by a declaration stating defendant failed to respond to a meet and confer letter. While it is unclear whether plaintiff made any other effort to meet and confer or comply with Local Rule 37, the declaration may be sufficient to permit plaintiff to file a motion without a joint stipulation. *See* L.R. 37-2.4.

But the timeliness of the motion is another matter. The motion was filed on November 1 and noticed for hearing before the District Judge on December 3, 2018. Since discovery motions are to be noticed for hearing by the Magistrate Judge, on November 7, 2018, the instant motion was referred to the Magistrate Judge.

Under the December 11, 2017 Order re Jury Trial in this case, and as extended by the September 4, 2018 Order to Continue Fact Discovery Cut-Off and Expert Discovery Cut-Off Deadlines, the last date for discovery motions to be heard was November 1, 2018. Thus, the motion, which was not filed until November 1, is untimely. Further, plaintiff gave no indication in the Motion to Compel papers why the motion was not filed earlier or what good cause may exist to further extend the discovery cut-off.

Accordingly, plaintiff is hereby ordered to show cause, on or before November 15, 2018, why the Motion to Compel should not be denied as untimely, or why the fact discovery cut-off should be further extended.