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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

LUPE E. MARTINEZ, In Behalf of Herself)
and all Similarly Situated, and RALPH C.)
RENDON, In Behalf of Himself and all)
Similarly Situated.)

Plaintiffs,

v.

CITY OF FRESNO; JERRY DYER,)
CHIEF OF THE FRESNO POLICE)
DEPARTMENT; SGT. MICHAEL)
MANFREDI; OFFICER MARCUS K.)
TAFOYA; OFFICER BELINDA ANAYA,)
and DOES 1-20, in their individual and)
official capacities, Inclusive,)

Defendants.)

Case No. 1:06cv0233 OWW GSA____
Consolidated Case No. 1:06cv1851 OWW GSA

ORDER RE CLARIFICATION REQUEST
REGARDING COURT JANUARY 20, 2009,
ORDER RE MOTION TO COMPEL
RESPONSES BY DEFENDANT MICHAEL
MANFREDI TO PLAINTIFFS' SPECIAL
INTERROGATORIES, SET NO. ONE

(Document 142)

On December 9, 2008, Plaintiffs filed a motion to compel responses by Defendant Michael Manfredi to Plaintiffs' Special Interrogatories, Set No. One. The parties filed a Joint Statement of Discovery Disagreements Re: Plaintiffs' Motion to Compel on January 13, 2009. Finding the matter appropriate for decision without oral argument, the Court vacated the January 16, 2009 hearing. On January 20, 2009, the Court issued an order granting Plaintiffs' Motion to Compel in part and denying the motion in part.

On January 20, 2009, Plaintiffs filed the instant clarification request regarding the Court's January 20, 2009. In the request, Plaintiffs first ask the Court to order Defendant Manfredi to

1 serve supplemental responses to Plaintiffs' Special Interrogatories, Set No. One, Interrogatory
2 Nos. 1, 2, 3, 10, 11, 12, 13, 14, 15, 16, 17 and 18 on or before February 2, 2009. As the Court's
3 order did not specify a date for supplemental responses, the Court GRANTS Plaintiffs' request.
4 Defendant Manfredi shall serve supplemental responses on or before February 2, 2009.

5 Plaintiffs also ask the Court to schedule a new hearing date to allow Plaintiffs' counsel to
6 fully present Plaintiffs' position to the Court regarding Special Interrogatory Nos. 4, 5, 6, 7, 8 and
7 9. Plaintiffs' counsel explains that counsel did not have an opportunity to properly reply because
8 defense counsel e-mailed its position/opposition to Plaintiffs' Motion to Compel Responses at
9 11:17 p.m. on January 12, 2009.

10 Local Rule 37-251 regarding motions dealing with discovery matters indicates that all
11 arguments and briefing that would otherwise be included in a memorandum of points and
12 authorities supporting or opposing the motion shall be included in the joint statement, and no
13 separate briefing shall be filed. Local Rule 37-251(c). As the joint statement was filed on January
14 13, 2009, and not on January 12, 2009, there is no indication that Plaintiffs' counsel did not have
15 an opportunity to include all arguments and briefing in the joint statement. Further, the Court
16 deemed the matter appropriate for submission without the necessity of oral argument. Local Rule
17 78-230(h). Accordingly, Plaintiffs' request for a new hearing date is DENIED.¹

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20 IT IS SO ORDERED.

21 **Dated: January 21, 2009**

/s/ Gary S. Austin

UNITED STATES MAGISTRATE JUDGE

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28 ¹To the extent that Plaintiffs are seeking reconsideration of the January 20, 2009 order, Plaintiffs are directed to Local Rule 72-303 regarding reconsideration by a District Judge and the related time limits for such reconsideration.