



1 Casio, Cisneros, and Coronado (ECF No. 204). The time for filing reply documents has  
2 passed and none were filed.

## 3 **II. LEGAL STANDARD**

4 The discovery process is subject to the overriding limitation of good faith. Asea,  
5 Inc. v. S. Pac. Transp. Co., 669 F.2d 1242, 1246 (9th Cir. 1981). Parties may obtain  
6 discovery regarding any nonprivileged matter that is relevant to any party's claim or  
7 defense, and for good cause, the Court may order discovery of any matter relevant to  
8 the subject matter involved in the action. Fed. R. Civ. P. 26(b)(1). Relevant information  
9 need not be admissible at the trial if the discovery appears reasonably calculated to lead  
10 to the discovery of admissible evidence. Id.

11 Objections by the responding party must be stated with specificity. Fed. R. Civ. P.  
12 34(b)(2)(C); see Mancia v. Mayflower Textile Servs. Co., 253 F.R.D. 354, 356 (D. Md.  
13 2008) (boilerplate objections waived any legitimate objections responding party may  
14 have had); Chubb Integrated Sys., Ltd. v. Nat'l Bank of Wash., 103 F.R.D. 52, 58  
15 (D.D.C. 1984) (the objecting party must state reasons for any objection, "irrelevant" did  
16 not fulfill party's burden to explain its objections); Pulsecard, Inc. v. Discovery Card  
17 Servs., Inc., 168 F.R.D. 295, 310 (D. Kan.1996) (objection on grounds of vagueness and  
18 ambiguity overruled if terms and phrases used in interrogatories are susceptible to  
19 ordinary definitions). The responding party shall use common sense and reason in its  
20 responses; hyper-technical, quibbling, or evasive objections will not be viewed favorably  
21 by the court. Haney v. Saldana, No. 1:04-cv-05935-AWI-SmS-PC, 2010 WL 3341939, at  
22 \*3 (E.D. Cal. Aug. 24, 2010).

23 Generally, if the responding party objects to a discovery request, the party moving  
24 to compel bears the burden of demonstrating why the objections are not justified. E.g.,  
25 Grabek v. Dickinson, No. CIV S-10-2892 GGH P., 2012 WL 113799, at \*1 (E.D. Cal. Jan.  
26 13, 2012); Ellis v. Cambra, No. 1:02-cv-05646-AWI-SMS (PC), 2008 WL 860523, at \*4  
27 (E.D. Cal. Mar. 27, 2008). This requires the moving party to inform the Court which  
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1 discovery requests are the subject of the motion to compel, and, for each disputed  
2 response, why the information sought is relevant and why the responding party's  
3 objections are not meritorious. Grabek, 2012 WL 113799, at \*1; Womack v. Virga, No.  
4 CIV S-11-1030 MCE EFB P., 2011 WL 6703958, at \*3 (E.D. Cal. Dec. 21, 2011).

5 The court must limit discovery if the burden of the proposed discovery outweighs  
6 its likely benefit. Fed. R. Civ. P. 26(b)(2)(C)(iii). "In each instance, the determination  
7 whether . . . information is discoverable because it is relevant to the claims or defenses  
8 depends on the circumstances of the pending action." Fed. R. Civ. P. 26 Advisory  
9 Committee's note (2000 Amendment) (Gap Report) (Subdivision (b)(1)).

### 10 **III. ANALYSIS**

11 Harrison asserts that he served Defendant Kim with a request for production of  
12 documents relating to Harrison's medical records and that Kim refused to provide the  
13 records. (ECF No. 200.) Defendants argue that they properly responded to Harrison's  
14 request by stating that the requested documents already had been produced. (ECF No.  
15 204.) According to Defendants, the requested documents were produced "several years  
16 ago." (Id. at 3.)

17 Harrison's motion to compel was filed on August 29, 2014, more than a month  
18 after the deadline for filing motions to compel set out in the Court's second discovery and  
19 scheduling order. (ECF No. 169.) Even if timeliness was not in issue, the motion lacks  
20 merit for the reasons discussed below.

#### 21 **Request:**

22 produce and and all documentation where you had any  
23 contact with plaintiff from 4-20-07 to 12-31-2007 on medical  
24 visits, medical rounds any and all contact what so ever by  
sight, sound paper, or documentation.

#### 25 **Response:**

26 Objection. This request is vague and ambiguous, overly  
27 broad, burdensome and compound. The request also  
28 assumes facts not in evidence. Without waiving these  
objections, defendant responds as follows:

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Defendant has already produced documents from plaintiff's prison medical file (Bates Nos. CDCR 0035-00525) that refer to medical treatment which defendant provided to plaintiff.

**Ruling:**

Having considered the motion and Defendants' opposition and the relevant discovery request and response, the Court will deny Plaintiff's motion to compel. Defendants assert that they have already produced the requested records, and Plaintiff does not argue otherwise. Requiring Defendants to produce the same records again in response to Plaintiff's request to Defendant Kim is burdensome and would serve no legitimate purpose. See Fed. R. Civ. P. 26(b)(2)(C)(iii).

**IV. CONCLUSION AND ORDER**

Based on the foregoing, the Court HEREBY DENIES Plaintiff's motion to compel (ECF No. 200).

IT IS SO ORDERED.

Dated: September 29, 2014

/s/ Michael J. Seng  
UNITED STATES MAGISTRATE JUDGE