

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

CLAUDELL EARL MARTIN,  
  
Plaintiff,  
  
v.  
  
LOADHOLT  
  
Defendant.

Case No. 1:10-cv-00156-LJO-MJS (PC)

**ORDER DENYING PLAINTIFF'S MOTION  
TO COMPEL FURTHER RESPONSES TO  
REQUESTS FOR ADMISSIONS AND  
PRODUCTION OF DOCUMENTS**

**(ECF No. 56)**

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. The action proceeds against Defendant Loadholt on a claim of retaliation.

Before the Court is Plaintiff's April 14, 2014 motion to compel further responses to: requests for admissions set one ("RFA") items 7, 8 and 15; and requests for production of documents set one ("RFD") items 14 and 15. Defendant filed opposition. Plaintiff has not replied to the opposition, and the time for doing so has expired. Local Rule 230(*l*).

**I. LEGAL STANDARDS – DISCOVERY MOTIONS**

The discovery process is subject to the overriding limitation of good faith. *Asea, Inc.*

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

8 Generally, if the responding party objects to a discovery request, the party moving to  
9 compel bears the burden of demonstrating why the objections are not justified. E.g.,  
10 *Grabek v. Dickinson*, 2012 WL 113799, at \*1 (E.D. Cal. Jan.13, 2012); *Mitchell v. Felker*,  
11 2010 WL 3835765, at \*2 (E.D. Cal. Sep. 29, 2010); *Ellis v. Cambra*, 2008 WL 860523, at \*4  
12 (E.D. Cal. Mar. 27, 2008). This requires the moving party to inform the Court which  
13 discovery requests are the subject of the motion to compel, and, for each disputed  
14 response, why the information sought is relevant and why the responding party's objections  
15 are not meritorious. *Grabek*, 2012 WL 113799, at \*1; *Womack v. Virga*, 2011 WL 6703958,  
16 at \*3 (E.D. Cal. Dec. 21, 2011).

18 Courts in the Eastern District of California have required, "at a minimum, [that] the  
19 moving party plaintiff has the burden of informing the court (1) which discovery requests are  
20 the subject of his motion to compel, (2) which of the defendant's responses are disputed,  
21 (3) why he believes the defendant's responses are deficient, (4) why the defendant's  
22 objections are not justified, and (5) why the information he seeks through discovery is  
23 relevant to the prosecution of this action." *Walker v. Karelis*, 2009 WL 3075575, at \*1 (E.D.  
24 Cal. Sep. 21, 2009); *Brooks v. Alameida*, 2009 WL 331358, at \*2 (E.D. Cal. Feb. 10, 2009).

26 The court must limit discovery if the burden of the proposed discovery outweighs its  
27 likely benefit. Fed. R. Civ. P. 26(b)(2)(C)(iii). "In each instance [of discovery], the  
28 determination whether . . . information is discoverable because it is relevant to the claims or

1 defenses depends on the circumstances of the pending action.” Fed. R. Civ. P. 26 Advisory  
2 Committee's note (2000 Amendment) (Gap Report) (Subdivision (b)(1).

3 All grounds for objection must be stated “with specificity.” See *Mancia v. Mayflower*  
4 *Textile Services Co.*, 253 F.R.D. 354, 356 (D.Md. 2008) (boiler-plate objections waived any  
5 legitimate objections responding party may have had); *Chubb Integrated Sys., Ltd. v.*  
6 *National Bank of Wash.*, 103 F.R.D. 52, 58 (D.D.C. 1984) (the objecting party must state  
7 reasons for any objection, “irrelevant” did not fulfill party's burden to explain its objections);  
8 *Pulsecard, Inc. v. Discovery Card Services, Inc.*, 168 F.R.D. 295, 310 (D. Kan. 1996)  
9 (objection on grounds of vagueness and ambiguity overruled if reason and common sense  
10 to attribute ordinary definitions to terms and phrases provided needed clarity).

## 12 **II. DISCUSSION**

### 13 **A. Requests for Admissions**

#### 14 **1. Legal Requirements**

15 “A party may serve on any other party a written request to admit, for purposes of the  
16 pending action only, the truth of any matters within the scope of Rule 26(b)(1) relating to:  
17 (A) facts, the application of law to fact, or opinions about either; and (B) the genuineness of  
18 any described documents.” Fed. R. Civ. P. 36(a)(1).  
19

20 If a matter is not admitted, the answer must specifically deny it or state in detail why  
21 the answering party cannot truthfully admit or deny it. A denial must fairly respond to the  
22 substance of the matter; and when good faith requires that a party qualify an answer or  
23 deny only a part of a matter, the answer must specify the part admitted and qualify or deny  
24 the rest. The answering party may assert lack of knowledge or information as a reason for  
25 failing to admit or deny only if the party states that it has made reasonable inquiry and that  
26 the information it knows or can readily obtain is insufficient to enable it to admit or deny.  
27

28 Fed. R. Civ. P. 36(a)(4).

1           “The grounds for objecting to a request must be stated,” Fed. R. Civ. P. 36(a)(5),  
2 and as with other forms of discovery, it is well established that boilerplate objections do not  
3 suffice. See e.g., *Thompson v. Yates*, 2011 WL 5975469, at \*2-3 (E.D. Cal. Nov. 29, 2011);  
4 *Everest Indem. Ins. Co. v. Aventine–Tramonti Homeowners Assoc.*, 2011 WL 3841083, at  
5 \*2 (D. Nev. Aug. 29, 2011); *Palladini v. City of Milpitas*, 2008 WL 1774090, at \*2 (N.D. Cal.  
6 Apr. 16, 2008).

7  
8           “The requesting party may move to determine the sufficiency of an answer or  
9 objection.” Fed. R. Civ. P. 36(a)(6). “Unless the court finds an objection justified, it must  
10 order that an answer be served. On finding that an answer does not comply with this rule,  
11 the court may order either that the matter is admitted or that an amended answer must be  
12 served.” *Id.*

13  
14           Requests for admission (“RFA”) are intended to eliminate those issues on which  
15 there are no genuine disputes between the parties. *Bovarie v. Schwarzenegger*, 2011 WL  
16 719206, at \*6 (S.D. Cal. Feb. 22, 2011). Requests for admission are not a discovery device  
17 for gathering evidence, *Id.*, and they are not intended as a substitute for other methods of  
18 discovery. *Woodall v. California*, 2010 WL 4316953 at \*3 (E.D. Cal. Oct. 22, 2010).

## 19                           2.       Plaintiff’s Motion

20  
21           Plaintiff argues that Defendant's responses to Plaintiff’s discovery requests are  
22 incomplete and evasive and that Defendant’s objections lack merit.

23           Defendant responds that Plaintiff has not carried his burden of showing why the  
24 responses are deficient and the objections unjustified. Defendant maintains the requests do  
25 not clearly state what is to be admitted and that she has responded to the best of her  
26 knowledge. Plaintiff’s disagreement with the responses is not a basis for objection.

27           The parties met and conferred but did not change their respective positions.

28           Having considered Plaintiff's motion and Defendant's opposition and the relevant

1 discovery requests and responses, the Court rules as follows:

2       **RFA 7:** “ADMIT At the time you ordered Plaintiff medication to be placed into the  
3 window you had not had any problems with the Plaintiff in regards to his medication.”

4       **Response:** “Defendant objects to this request on the ground that it is vague as to  
5 the term ‘problems [.]’ Without waiving this objection, Defendant admits she was concerned  
6 Plaintiff would not take his prescribed Simvastatin at the time she ordered Plaintiff to pick it  
7 up at the medication window.”

8       **Ruling:** There is vagueness in Plaintiff’s use of the phrase “any problems.”  
9 Defendant’s response gives the phrase a reasonable interpretation and, more importantly,  
10 answers with what is effectively a refusal to admit the request because Defendant was  
11 concerned about the timing of Plaintiff’s consumption of the medication and this apparently  
12 constituted a “problem” in Defendant’s mind. (The Court cautions that the response may  
13 reasonably be read to reflect Defendant’s unawareness of any other possible “problem.”)  
14 Defendant’s qualified admission is appropriate given the vagueness of the request.  
15 Defendant has done all that is required under the Rules. Plaintiff’s motion to compel further  
16 response to request for admission 7 is DENIED.

17       **RFA 8:** “ADMIT In your official capacity you are not authorize to classify which  
18 medications are to be ‘designated’ to the ‘ho window’ for restriction.”

19       **Response:** “Defendant objects to this request on the grounds that it is nonsensical  
20 as written. Therefore, Defendant can neither admit nor deny the request for admission.”

21       **Ruling:** It is unclear what Plaintiff meant by “designated to the ho window for  
22 restriction.” The request is impermissibly vague. Plaintiff’s motion to compel further  
23 response to request for admission 8 is DENIED.

24       **RFA 15:** “ADMIT You made aware [sic] of the decision made by: Jeffrey J. Wang,  
25 M.D. (Chief Medical Officer; and Cherly Schutt, III (Health Care Manager); in regard’s [sic]  
26  
27  
28

1 to the grievance in this complaint.”

2           **Response:** “After a reasonable inquiry and a review of the decision regarding  
3 Plaintiff’s grievance, Defendant can neither admit or deny this request because she does  
4 not recall whether she was made aware of the decision.”

5           **Ruling:** Defendant has stated upon reasonable inquiry and review of the grievance  
6 decision that she cannot recall information sufficient to admit or deny. The Rules require  
7 nothing further. Plaintiff’s motion to compel further response to request for admission 15 is  
8 DENIED.

9  
10           **B.       Requests for Production of Documents**

11                   1.       Legal Requirements

12           A party may serve on any other party a request within the scope of Rule 26(b) to  
13 produce and permit the requesting party or its representative to inspect, copy, test, or  
14 sample items in the responding party’s possession, custody or control. Fed. R. Civ. P.  
15 34(a)(1). “Property is deemed within a party’s ‘possession, custody, or control’ if the party  
16 has actual possession, custody, or control thereof or the legal right to obtain the property  
17 on demand.” *Allen v. Woodford*, 2007 WL 309945, \*2 (E.D. Cal. Jan. 30, 2007), citing *In re*  
18 *Bankers Trust Co.*, 61 F.3d 465, 469 (6th Cir. 1995); accord *Bovarie*, 2011 WL 719206, at  
19 \*4; *Evans v. Tilton*, 2010 WL 1136216, at \*1 (E.D. Cal. Mar. 19, 2010).

20  
21                   2.       Plaintiff’s Motion

22           Plaintiff argues Defendant’s objections on vagueness, ambiguity, overbreadth and  
23 relevance lack merit. He claims Defendant did not respond to his offer to narrow the  
24 requests.

25           Defendant responds that Plaintiff has not carried his burden of showing the  
26 responses are deficient and the objections unjustified. Defendant argues the requests are  
27 vague as to what is meant by “open-ended complaints” and “finished complaints” and seek  
28

1 documents and information not relevant to the claim in issue. Defendant stated that she  
2 has no documents responsive to the requests. Defendant asserts that Plaintiff's offer to  
3 narrow the requests, made for the first time in the instant motion, is untimely and improper.

4 The parties meet and confer efforts did not result in any change in their respective  
5 positions.

6 Having considered Plaintiff's motion and Defendant's opposition and the relevant  
7 discovery requests and responses, the Court rules as follows:  
8

9 **RFD 14:** "Any and all documents related to any open-ended complaints."

10 **RFD 15:** "Any and all finished complaints."

11 **Responses:** Defendant responds to both RFDs: "Defendant objects to this request  
12 on the grounds that it is vague as to time, overly broad, vague and ambiguous as to the  
13 term 'open-ended complaints' and 'finished complaints' and is not reasonably calculated to  
14 lead to the discovery of admissible evidence. Without waiving these objections, Defendant  
15 responds as follows: Defendant does not have in her possession, custody, or control any  
16 documents responsive to this request."  
17

18 **Ruling:** Given normal usage and context, "open-ended" complaints would  
19 reasonably be understood to refer to those which have not been finally determined, and  
20 "finished" complaints to those which have been finally resolved. However, each of these  
21 two requests leaves a reasonable person unable to determine if "complaints" refer to  
22 complaints by Plaintiff (i.e., grievances) or complaints by prison officials against Plaintiff. As  
23 such, the requests are vague and ambiguous and not capable of being answered. The  
24 request as to closed complaints also is vague and/or overbroad as to time. Plaintiff's motion  
25 to compel further response to requests for production Nos. 14 and 15 is DENIED.  
26

27 In passing, Defendant is cautioned that a response that she has no such documents  
28 is interpreted in light of Defendant's duty to respond as to any and all documents in her

1 possession or subject to her custody or control and that of her or her agents and attorneys.  
2 Given the context of this litigation, it includes the duty to produce responsive documents in  
3 the custody or control of California Department of Corrections and Rehabilitation.

4 **C. Re-Opening of Discovery**

5 If Plaintiff believes he needs and is entitled to additional discovery he may motion  
6 the Court for an extension of the discovery deadline. Any such request should specifically  
7 explain what is needed, why it is relevant to this action and reasonably calculated to lead to  
8 the discovery of admissible evidence and why discovery was not completed prior to the  
9 deadline.  
10

11 **III. ORDER**

12 Based on the foregoing, it is HEREBY ORDERED that Plaintiff's April 14, 2014  
13 motion to compel further responses to RFA items 7, 8 and 15, and to RFD items 14 and 15  
14 (ECF No. 56) is DENIED.  
15

16  
17 IT IS SO ORDERED.

18  
19 Dated: June 2, 2014

/s/ Michael J. Seng  
UNITED STATES MAGISTRATE JUDGE