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

GARRISON S. JOHNSON,  
  
Plaintiff,  
  
v.  
  
CATE, et al.,  
  
Defendants.

Case No. 1:10-cv-02348-LJO-MJS (PC)  
  
**ORDER DENYING PLAINTIFF'S MOTION  
TO COMPEL FURTHER RESPONSES TO  
INTERROGATORIES**  
  
**(ECF No. 51)**

Plaintiff is a state prisoner proceeding pro se in this civil rights action filed pursuant to 42 U.S.C. § 1983. The action proceeds on an equal protection claim against Defendant Doran.

Before the Court is Plaintiff's motion to compel further responses to his first set of interrogatories. He claims the responses received from Defendant were not verified and are not full and complete.

**I. LEGAL STANDARDS**

**A. Discovery Motions**

The discovery process is subject to the overriding limitation of good faith. Asea, Inc. v. Southern Pac. Transp. Co., 669 F.2d 1242, 1246 (9th Cir. 1981). Parties may obtain

1 discovery regarding any non-privileged matter that is relevant to any party's claim or  
2 defense, and for good cause, the Court may order discovery of any matter relevant to the  
3 subject matter involved in the action. Fed. R. Civ. P. 26(b)(1). Relevant information need  
4 not be admissible at the trial if the discovery appears reasonably calculated to lead to the  
5 discovery of admissible evidence. Id.

6  
7 Generally, if the responding party objects to a discovery request, the party moving to  
8 compel bears the burden of demonstrating why the objections are not justified. E.g.,  
9 Grabek v. Dickinson, 2012 WL 113799, at \*1 (E.D. Cal. Jan.13, 2012); Mitchell v. Felker,  
10 2010 WL 3835765, at \*2 (E.D. Cal. Sep. 29, 2010); Ellis v. Cambra, 2008 WL 860523, at \*4  
11 (E.D. Cal. Mar. 27, 2008). This requires the moving party to inform the Court which  
12 discovery requests are the subject of the motion to compel, and, for each disputed  
13 response, why the information sought is relevant and why the responding party's objections  
14 are not meritorious. Grabek, 2012 WL 113799, at \*1; Womack v. Virga, 2011 WL 6703958,  
15 at \*3 (E.D. Cal. Dec. 21, 2011).

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

24  
25 The court must limit discovery if the burden of the proposed discovery outweighs its  
26 likely benefit. Fed. R. Civ. P. 26(b)(2)(C)(iii). “In each instance [of discovery], the  
27 determination whether . . . information is discoverable because it is relevant to the claims or  
28 defenses depends on the circumstances of the pending action.” Fed. R. Civ. P. 26 Advisory

1 Committee's note (2000 Amendment) (Gap Report) (Subdivision (b)(1)).

2 **B. Interrogatories**

3 A party may propound interrogatories relating to any matter that may be inquired into  
4 under Federal Rule of Civil Procedure 26(b). An interrogatory is not objectionable merely  
5 because it asks for an opinion or contention that relates to fact or the application of law to  
6 fact. Fed. R. Civ. P. 33(a).

7  
8 The responding party is obligated to respond to the interrogatories to the fullest  
9 extent possible. See Fed. R. Civ. P. 33(b)(3). Any objections must be stated with specificity.  
10 Fed. R. Civ. P. 33(b)(4). The responding party shall use common sense and reason in its  
11 responses; hyper-technical, quibbling, or evasive objections will not be viewed favorably by  
12 the court. Haney v. Saldana, 2010 WL 3341939 at \*3 (E.D. Cal. Aug.24, 2010). Further, the  
13 responding party has a duty to supplement any responses if the information sought is later  
14 obtained or the response provided needs correction. Fed. R. Civ. P. 26(e)(1)(A).

15  
16 All grounds for objection to an interrogatory must be stated “with specificity.” Fed. R.  
17 Civ. P. 33(b)(4); see Nagele v. Electronic Data Systems Corp., 193 F.R.D. 94, 109  
18 (W.D.N.Y. 2000) (objection that interrogatories were “burdensome” overruled because  
19 objecting party failed to “particularize” the basis for objection); see also Mancia v.  
20 Mayflower Textile Services Co., 253 F.R.D. 354, 358 (D.Md. 2008) (boiler-plate objections  
21 waived any legitimate objections responding party may have had); Chubb Integrated Sys.,  
22 Ltd. v. National Bank of Wash., 103 F.R.D. 52, 58 (D.D.C. 1984) (the objecting party must  
23 state reasons for any objection, “irrelevant” did not fulfill party's burden to explain its  
24 objections); Mitchell v. National R.R. Passenger Corp., 208 F.R.D. 455, 458 at n.4 (D.D.C.  
25 2002) (objections must explain how request or interrogatory is overbroad or unduly  
26 burdensome); Pulsecard, Inc. v. Discovery Card Services, Inc., 168 F.R.D. 295, 310 (D.  
27 Kan. 1996) (objection on grounds as vague and ambiguous overruled if reason and  
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1 common sense to attribute ordinary definitions to terms and phrases provided needed  
2 clarity).

3 **II. DISCUSSION**

4 Procedural deficiencies in Plaintiff's motion leave the Court unable to grant it.  
5 Plaintiff does not identify which interrogatories, responses and objections are in issue and  
6 why. He does not include Defendant's responses or objections. In short, there is insufficient  
7 information to enable the Court to evaluate whether or not he is entitled to any relief.  
8 Accordingly, his motion must be denied.  
9

10 The motion will be denied without prejudice to Plaintiff refiling it in a manner that  
11 complies with the Federal Rules of Civil Procedure and Local Rules.  
12

13 **III. ORDER**

14 Accordingly, for the reasons stated, it is HEREBY ORDERED that Plaintiff's motion  
15 to compel further responses to his set one interrogatories (ECF No. 51) is DENIED without  
16 prejudice.  
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18 IT IS SO ORDERED.  
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20 Dated: April 11, 2014

1s/ Michael J. Seng  
21 UNITED STATES MAGISTRATE JUDGE  
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