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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

EUGENE E. FORTE,
Plaintiff,

v.

COUNTY OF MERCED, *et al.*,
Defendants.

Case No. 1:11-cv-00318-AWI-BAM

**ORDER STAYING DEPOSITION
DISCOVERY PENDING RESOLUTION
OF PLAINTIFF’S MOTION TO
SUPPLEMENT (Doc. 280-282.)**

Several motions are pending before the court, including terminating sanctions and a motion to supplement the complaint. In addition to these motions, on January 23, 2015, Defendants filed an ex parte application to shorten the time to move to quash the deposition subpoenas issued by Plaintiff to third party witnesses County of Merced District Attorney Larry Morse, County of Merced County Counsel James Fincher, and County of Merced County Sheriff Thomas Cavallero. Plaintiff filed oppositions to the ex parte request. (Doc. 294-295.) Plaintiff also filed a “Request for Courts’ Confirmation” regarding subpoenas. (Doc. 290-291.) Defendants filed an opposition to Plaintiff’s request. (Doc. 292.)

In the interest of conserving the resources of both the court and the parties, the court STAYS deposition discovery, including subpoenas, pending the resolution of Plaintiff’s motion to supplement. Under Rule 26(c) of the Federal Rules of Civil Procedure, a district court may, for good cause shown, issue a protective order regarding discovery. A court may enter such an order sua sponte. *See e.g., McCoy v. Southwest Airlines Co.*, 211 F.R.D. 381, 385 (C.D. Cal. 2002); *Coleman v. Schwarzenegger*,

1 2007 WL 4276554 (E.D. Cal. Nov.29, 2007) (“Under Federal Rule of Civil Procedure 26(c), and in
2 the inherent discretion of a court to manage its own discovery, a court may sua sponte enter a
3 protective order for good cause shown. A protective order may include an order that “discovery not be
4 had.”)

5 **ORDER**

- 6 1. Deposition Discovery, including subpoenas, is STAYED pending the resolution of the
7 motion to supplement the complaint.
- 8 2. **Plaintiff’s Reply brief** for his motion to supplement remains due on **January 30, 2015**.
- 9 3. Upon ruling on Plaintiff’s motion to supplement, the Court will address any extension of
10 the fact discovery deadline to address proper deposition discovery requests.

11 IT IS SO ORDERED.

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13 Dated: January 26, 2015

14 /s/ Barbara A. McAuliffe
15 UNITED STATES MAGISTRATE JUDGE
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