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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROBIN DASENBROOK,

Plaintiff,

v.

A. ENENMOH, et al.,

Defendants.

Case No. 1:11-cv-01884 AWI DLB PC

ORDER DISCHARGING ORDER TO SHOW
CAUSE
[ECF No. 122]

ORDER GRANTING DEFENDANT PAGE
THIRTY DAYS TO RESPOND TO INITIAL
DISCOVERY REQUESTS

Plaintiff Robin Dasenbrook (“Plaintiff”) is a California state prisoner proceeding pro se and in forma pauperis in this civil action pursuant to 42 U.S.C. § 1983. This action is proceeding against Defendants Enenmoh, Page, Perez and Blonde Nurse Doe #1 for claims of negligence and deliberate indifference to a serious medical need in violation of the Eighth Amendment.

On November 29, 2012, Plaintiff filed a First Amended Complaint. On September 10, 2013, Defendant Enenmoh filed an answer. On September 11, 2013, the Court issued a discovery and scheduling order. The discovery cut-off date was set for February 10, 2014, and the dispositive motion deadline was set for April 9, 2014. On March 7, 2014, Defendant Page filed an answer to the amended complaint.

Subsequently, Plaintiff filed numerous discovery requests and various motions. On September 17, 2014, and October 15, 2014, the Court addressed Plaintiff’s various discovery requests and motions. Discovery was reopened as to Defendant Page, and the deadline for discovery as to Page was extended ninety days from the date of service of the October 15, 2014, order.

1 On March 13, 2015, Plaintiff filed a motion for a court order compelling Defendants Page
2 and Perez-Hernandez to respond to Plaintiff's Requests for Admissions, Interrogatories, and
3 Production of Documents. Plaintiff states he has served the above discovery requests on Defendants
4 Page and Perez-Hernandez; however, Defendants did not respond. Defendants did not file an
5 opposition to the motion.

6 With respect to Defendant Page, the Court granted Plaintiff's motion to compel on October
7 15, 2014, and granted Defendants thirty days to supplement their responses as set forth in the Court's
8 Order. [ECF No. 98.] In his motion, Plaintiff stated he had written to Defendants' counsel in an
9 effort to secure a response from Defendant Page, but Defendant has refused to answer his requests
10 for admissions and interrogatories. Accordingly, on April 24, 2015, Defendant Page was ordered to
11 show cause why sanctions should not be imposed for failure to supplement Defendants' discovery
12 responses as ordered by the Court on October 15, 2014.

13 On May 26, 2015, Defendant Page responded to the order to show cause. Counsel for
14 Defendant Page states that extensions of time were inadvertently requested on behalf of Defendant
15 Page. Counsel for Defendant Page states Page should not have joined in the requests for extensions
16 because Page had not yet been served with any discovery requests. Counsel for Defendant Page
17 states Page did not respond to any discovery requests insofar as she had not been served with any
18 requests subsequent to the time she was served. Counsel further states Page did not supplement
19 discovery requests as ordered by the Court because of inadvertence, misconstruing the Court's order,
20 and determining that there was nothing to supplement.

21 Counsel for Defendant Page states she is currently working with Defendant Page to answer
22 the discovery served in February of 2014 which consists of Plaintiff's First Request for Production
23 of Documents, Plaintiff's First Request for Admissions, and Plaintiff's First Request for
24 Interrogatories. Counsel states she expects the discovery responses to be completed by May 29,
25 2015.

26 In light of the foregoing, the Court will discharge the order to show cause. Defendant Page
27 will be granted an extension of time to serve her discovery responses, at which time discovery will
28 be closed as to Defendant Page. The discovery deadlines set as to Defendant Perez-Hernandez are

1 unaffected.

2 **ORDER**

3 Accordingly, IT IS HEREBY ORDERED:

- 4 1) The Court's order to show cause of April 24, 2015, is DISCHARGED;
- 5 2) Defendant Page is GRANTED thirty days from the date of service of this order to
- 6 complete and serve her responses to Plaintiff's February 2014 discovery requests.

7
8 IT IS SO ORDERED.

9 Dated: May 29, 2015

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE