

1 On May 19, 2014, Defendants filed a motion to compel Plaintiff to provide his initial
2 disclosures. Defendants also request the imposition of sanctions. Plaintiff did not file an
3 opposition and the motion is deemed suitable for decision.¹

4 **DISCUSSION**

5 Federal Rule of Civil Procedure 37(a)(1), “On notice to other parties and all affected
6 persons, a party may move for an order compelling disclosure. . . [T]he motion must include a
7 certification that the movant has in good faith conferred or attempted to confer with the person
8 failing to make disclosure . . . in an effort to obtain it without court action.”

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10 According to the declaration of David Goodwin, counsel for Defendants, he served
11 Plaintiff with initial disclosures on March 27, 2014. The next day, on March 28, 2014, he
12 received a copy of the form Defendants filed with the Court declining Magistrate Judge
13 jurisdiction. A handwritten note was attached to the form setting forth a new address for
14 Plaintiff located in Twentynine Palms, California.² Goodwin Decl. ¶¶ 2-3. Mr. Goodwin served
15 a second courtesy copy of Defendants’ initial disclosures at Plaintiff’s Twentynine Palms
16 address. Goodwin Decl. ¶ 4.

17 On May 1, 2014, Mr. Goodwin sent Plaintiff a letter at both addresses to remind him of
18 his obligation to serve his initial disclosures. Mr. Goodwin requested that Plaintiff serve the
19 disclosures within two weeks, and warned Plaintiff that if he did not do so, he would file a
20 motion to compel and seek sanctions. Goodwin Decl. ¶ 5. To date, Mr. Goodwin has not
21 received disclosures or any other communication from Plaintiff. Goodwin Decl. ¶ 6.

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23 Plaintiff has failed to oppose this motion. Despite a reminder, additional time and a
24 warning of the consequences from Defendants, Plaintiff has not served his initial disclosures or
25 communicated with Defendants in any way. Accordingly, the motion to compel is GRANTED.

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27 ¹ The Court notes that Plaintiff has not communicated with the Court since March 6, 2013.

28 ² Plaintiff’s address of record with the Court is 285 Claremont Ave., Sanger, CA 93657. He has not filed a notice of change of address. Local Rule 183(b).

1 Defendants also request sanctions in the amount of \$807.50. Pursuant to Rule
2 37(a)(5)(A), if a motion to compel disclosures is granted, “the court must, after giving an
3 opportunity to be heard, require the party . . . whose conduct necessitated the motion . . . to pay
4 the movant’s reasonable expenses incurred in making the motion, including attorney’s fees.
5 Discovery sanctions are appropriate only in “extreme circumstances” and when the violation is
6 due to willfulness, bad faith, or fault of the party. Fair Housing of Marin v. Combs, 285 F.3d
7 899, 905 (9th Cir. 2002).

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9 Again, Plaintiff’s failure to oppose the motion or communicate with Defendants leaves
10 the Court with no mitigating circumstances to weigh. Even considering Plaintiff’s pro se status,
11 Plaintiff was warned of the consequences of his conduct and failed to respond in any manner.
12 The Court therefore finds that sanctions in the amount of \$807.50 are appropriate. This amount
13 represents 4.75 hours of attorney time at \$170.00³ per hour. Mr. Goodwin spent 4.75 hours
14 attempting to meet and confer with Plaintiff and in preparing the motion to compel.

15 **ORDER**

16 For the reasons discussed above, Defendants’ motion to compel is GRANTED. IT IS
17 HEREBY ORDERED:

- 18 1. Plaintiff SHALL serve his initial disclosures on Defendants within thirty (30)
19 days of the date of this order. Plaintiff SHALL also file a notice of compliance
20 with the Court within this time confirming that disclosures have been made;
21 2. Plaintiff SHALL pay sanctions in the amount of \$807.50, to Defendants’ counsel,
22 within thirty (30) days of the date of service of this order; and
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28 ³ \$170.00 per hour is the amount set by the July 1, 2013, Administrative Bulletin setting forth rates and fees charged for services provided by the Department of Justice. Goodwin Decl. ¶, 9, Ex. D.

