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

THOMAS DANIEL HOVANSKI,  
Plaintiff,  
v.  
WALLACE,  
Defendant.

**Case No. 1:13-cv-00377-LJO-JLT (PC)**  
**ORDER GRANTING DEFENDANT'S MOTION  
TO COMPEL DISCOVERY RESPONSES**  
**(Doc. 23)**

Plaintiff, Thomas D. Hovanski, is a state prisoner proceeding pro se and in forma pauperis in this civil rights action under 42 U.S.C. § 1983. Plaintiff is proceeding on the First Amended Complaint against Defendant Lauren Wallace for violation of Plaintiff's rights under the Fourteenth Amendment. (Docs. 10, 11.) On February 6, 2014, Defendant filed a notice of motion and motion to compel discovery responses. (Doc. 23.) Defendant bases this motion to compel on Plaintiff's complete failure to respond to the first sets of both her requests for production of documents and special interrogatories. (*Id.*)

The Scheduling Order, which issued on October 16, 2013, provided a discovery cut-off date of June 13, 2014 and required any motions to compel to be filed by that date as well. (Doc. 18.) That same order required all discovery requests to be served in accordance with Federal Rule of Civil Procedure, Rule 5 and Local Rule 135 and service of responses to written discovery

1 within 45 days after the request is served. (*Id.*) Defendant served her first set of requests for  
2 production of documents on Plaintiff on October 25, 2013 and her first set of special  
3 interrogatories was served on him on November 12, 2013. (Doc. 23-1, pp.1-2.) No responses  
4 from Plaintiff were received to either set of discovery. (*Id.*, at p. 2.)

5  
6 Parties are entitled to seek discovery of "any nonprivileged matter that is relevant to any  
7 party's claim or defense. . . ." Fed. R. Civ. P. 26(b)(1). Each interrogatory must be answered by  
8 the party to whom they are directed. Fed. R. Civ. P. 33(b)(1). Failure to timely serve responses  
9 waives objections to the interrogatories. Fed. R. Civ. P. 33(b)(4).

10  
11 Plaintiff's complete failure to respond to Defendant's first set of both her requests for  
12 production of documents and special interrogatories has affected a waiver of any objections that  
13 he might otherwise have raised. Defendant is entitled to response to her first set of requests for  
14 production of documents as well as her first set of special interrogatories.

15 Accordingly, it is HEREBY ORDERED that:

- 16 1. Defendant's motion to compel Plaintiff to respond to her first set of  
17 requests for production of documents and her first set of special  
18 interrogatories, filed February 6, 2014 (Doc. 23), is GRANTED; and
- 19 2. Within 30 days of the date of this order, Plaintiff is ordered to serve  
20 responses to Defendant's first set of requests for production of documents  
21 and her first set of special interrogatories, without objections.

22  
23 IT IS SO ORDERED.

24 Dated: March 12, 2014

/s/ Jennifer L. Thurston  
25 UNITED STATES MAGISTRATE JUDGE