



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  
4 need not be admissible at the trial if the discovery appears reasonably calculated to lead  
5 to the discovery of admissible evidence. *Id.*

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

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

23 The court must limit discovery if the burden of the proposed discovery outweighs  
24 its likely benefit. Fed. R. Civ. P. 26(b)(2)(C)(iii). "In each instance [of discovery], the  
25 determination whether . . . information is discoverable because it is relevant to the claims  
26 or defenses depends on the circumstances of the pending action." Fed. R. Civ. P. 26  
27 Advisory Committee's note (2000 Amendment) (Gap Report) (Subdivision (b)(1)).  
28

1 All grounds for objection must be stated "with specificity." See *Mancia v.*  
2 *Mayflower Textile Servs. Co.*, 253 F.R.D. 354, 356 (D.Md. 2008) (boiler-plate objections  
3 waived any legitimate objections responding party may have had).

4 The responding party has a duty to supplement any responses if the information  
5 sought is later obtained or the response provided needs correction. Fed. R. Civ. P.  
6 26(e)(1)(A).

7 **B. Plaintiff's Motion**

8 Plaintiff moves to compel Defendant to produce various documents and records.  
9 Plaintiff's motion sets out the documents he is requesting, but he provides no report of  
10 Defendant's responses or objections.

11 **C. Discussion**

12 Plaintiff's motion to compel is incomplete and, as such, inadequate. It is not clear  
13 whether Plaintiff actually served on Defendant a request to produce this information  
14 before filing this motion, if so, how Defendant responded, or, in any event, why Plaintiff  
15 believes the requested information is discoverable. The Court obviously cannot evaluate  
16 the propriety of a discovery request or response to it when neither are provided to the  
17 Court for its review.

18 **III. CONCLUSION AND ORDER**

19 Based on the foregoing, Plaintiff's motion to compel (ECF No. 40) is HEREBY  
20 DENIED without prejudice. Plaintiff may renew his requests prior to the expiration of the  
21 discovery deadline by providing a complete copy of the discovery requests and  
22 responses, and explaining the manner in which the responses are believed to be  
23 inadequate.

24  
25 IT IS SO ORDERED.

26  
27 Dated: August 21, 2015

28 /s/ Michael J. Seng  
UNITED STATES MAGISTRATE JUDGE