

1 21-2.) Fresno County Sheriff's Office deputies discovered \$30,000 in currency during a search of the
2 vehicle. A drug detection dog alerted to the odor of narcotics on the Defendant Currency. *Id.*

3 Claimant Ramos initially told the deputies that he was traveling to a family reunion in Los
4 Angeles. (Doc. No. 1. at ¶ 10.) On March 6, 2014, Claimant served responses to the United States' First
5 Set of Special Interrogatories in which he again asserted that he was traveling down to Los Angeles to
6 visit family. (Doc. No. 21-1 at 9.) Two months later, on May 8, 2014, Claimant testified in a deposition
7 and changed his story, saying that he had actually been traveling down to Los Angeles for a friend's
8 family reunion. He testified that he had known the friend, Priscilla Thompson, for ten years and that he
9 spoke with her on a regular basis. (Doc. No. 21-1.) He also offered a phone number for Thompson and
10 suggested that a search of his phone records would reveal calls to her "every couple months." *Id.* at 16.
11 Finally, he discussed his knowledge of Thompson's family reunion and her place of residence in Los
12 Angeles, although he did not recall her exact address and said he "would have to call her and ask her."
13 *Id.* at 19.

14 On September 22, 2014, the United States served Claimant with a Second Set of Interrogatories.
15 *Id.* at 2. The interrogatory in question, Interrogatory #1, requests: "Identify Priscilla Thompson which
16 [sic] should include, but is not limited to, the following: (a) Current resident address; (b) Address where
17 she was residing at the time of seizure; (c) Current telephone number; (d) Telephone number at the time
18 of seizure; (e) Any and all known electronic mail (email) addresses; (f) Any and all social media account
19 logins or handles (i.e. Facebook profile name, Twitter profile name, etc.); (g) Any and all other names
20 by which you have known Priscilla Thompson; (h) The proper spelling of Priscilla Thompson's name if
21 not properly spelled herein." *Id.* at 30. On October 27, 2014, Claimant served responses to the Second
22 Set of Interrogatories and refused to answer Interrogatory #1, saying only that "Priscilla does not want to
23 be involved in this matter." *Id.* at 37.

24 Under Rule 37 of the Federal Rules of Civil Procedure, a party may move for an order
25 "compelling disclosure or discovery" when a responding party has failed to respond or has provided
26 evasive or incomplete responses. The scope of permissible discovery is intentionally broad and can
27 include "any nonprivileged matter that is relevant to any party's claim or defense . . . the court may
28 order discovery of any matter relevant to the subject matter involved in the action." Fed. R. Civ. P.

1 26(b)(1). In an asset forfeiture case, information substantiating or contradicting the Claimant's
2 statements about where he was going, why he was going there, and the route chosen to get there are
3 relevant questions to establish whether there was a "substantial nexus between the property seized and
4 drug trafficking." *United States v. \$321,470.00*, 874 F.2d 298, 305 (5th Cir. 1989).

5 The Court finds that the information sought by Interrogatory #1 is within the scope of
6 discoverable matters authorized under Rule 26. Information corroborating or contradicting Claimant's
7 purpose for traveling to Los Angeles is relevant with respect to the potential nexus between the property
8 seized and drug trafficking. Claimant does not assert any proper basis on which to object to the request.
9 To the extent Claimant's response to Interrogatory #1 constitutes an objection to the scope of the
10 interrogatory, any objections to the production of the address or other contact information of Thompson
11 were waived when Claimant volunteered a telephone number for Thompson and discussed her place of
12 residence without objection during his deposition. *Richmark Corp. v. Timber Falling Consultants*, 959
13 F.2d 1468, 1473 (9th Cir. 1992) ("It is well established that a failure to object to discovery requests
14 within the time required constitutes a waiver of any objection").

15 Claimant is ordered to produce the information requested by Interrogatory #1 to the United
16 States and is hereby placed on notice that any failure to comply with this order will subject him to the
17 full range of discovery sanctions set forth in Rule 37(b)(2) of the Federal Rules of Civil Procedure,
18 including, among others, the payment of attorneys' fees for the prevailing party, contempt of court, and
19 entry of judgment against the disobedient party.

20 **ORDER**

21 For the reasons set forth above, the Motion to Compel is GRANTED. Accordingly, Claimant is
22 ordered to produce the information requested by Interrogatory #1 to the United States no later than
23 February 3, 2015.

24 IT IS SO ORDERED.

25 Dated: January 16, 2015

26 /s/ Gary S. Austin
27 UNITED STATES MAGISTRATE JUDGE
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