

1 those rulings here. All supplemental responses required by this order shall be produced no later
2 than **30 days** after the date of this order.

3 Under Rule 37 of the Federal Rules of Civil Procedure, a party may move for an order
4 “compelling disclosure or discovery” when a responding party has failed to respond to discovery
5 or has provided evasive or incomplete responses. The scope of permissible discovery is
6 intentionally broad and can include “any nonprivileged matter that is relevant to any party’s claim
7 or defense.” Fed. R. Civ. P. 26(b)(1). Defendants have requested an order to compel responses to
8 a number of Plaintiff’s responses to Defendant Gonzales’ First Set of Interrogatories.

9 An interrogatory may relate to any matter that may be inquired into under Rule 26(b), and
10 an interrogatory is not objectionable merely because it asks for an opinion or contention that
11 relates to fact or the application of law to fact. Fed. R. Civ. P. 33(a)(2) (quotation marks
12 omitted). Parties are obligated to respond to interrogatories to the fullest extent possible under
13 oath, Fed. R. Civ. P. 33(b)(3), and any objections must be stated with specificity. Fed. R. Civ. P.
14 33(b)(4); *Davis v. Fendler*, 650 F.2d 1154, 1160 (9th Cir. 1981). The responding party shall use
15 common sense and reason. *See, e.g., Collins v. Wal-Mart Stores, Inc.*, No. 06-2466-CM-DJW,
16 2008 WL 1924935, at *8 (D. Kan. Apr. 30, 2008). A responding party is not generally required
17 to conduct extensive research to answer an interrogatory, but must make a reasonable effort to
18 respond. *Gorrell v. Sneath*, 292 F.R.D. 629, 632 (E.D. Cal. 2013); *L.H. v. Schwarzenegger*, No.
19 S-06-2042 LKK GGH, 2007 WL 2781132, at *2 (E.D. Cal. Sept. 21, 2007).

20 **Interrogatory No. 1**

21 Interrogatory No. 1 requests that Plaintiff “state all persons who were present for” the
22 “open forum” after the June 26, 2014 meeting that is described in Plaintiff’s complaint. Plaintiff
23 supplemented his original response to identify individuals present at the meeting, but this
24 response is not entirely responsive to the interrogatory. Defendants’ Motion to Compel a further
25 response to this interrogatory is thus GRANTED. Plaintiff shall supplement his response to
26 identify all individuals present for the “open forum” portion of the June 26, 2014 meeting. Any
27 such identification shall include the name, job title, and CDCR number of each individual or a
28 statement that each required piece of information is unknown.

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1 **Interrogatory No. 3**

2 Interrogatory No. 3 asks Plaintiff to provide a “description of all concerns you raised with
3 the Warden” regarding the “criminal use of force by 3A staff, specifically the conduct of
4 defendants J. Gonzales and B. Johnson.” The interrogatory also asks Plaintiff to provide the
5 name, date, and state whether a 602 had been filed for any specific incidents of excessive force
6 described. Plaintiff explains that he has supplemented his response to contain some, but not all, of
7 the information he knows that is responsive to this interrogatory. Defendants’ Motion to Compel
8 is GRANTED with respect to this interrogatory; Plaintiff must respond to the interrogatory to the
9 fullest extent he is able and should include all the information he has that is responsive to the
10 interrogatory.

11 **Interrogatory No. 4**

12 Interrogatory No. 4 asks Plaintiff to state all facts in support of the contention that “it is
13 the established policy and procedure that random cell searches are conducted only by assigned
14 building officers.” Plaintiff explains that he has provided all the information he has on this subject
15 in his supplemental responses, but that he hopes to obtain additional information through further
16 investigative efforts. The Court thus treats the Motion to Compel a further response to this
17 interrogatory as resolved, but reminds Plaintiff that he has an affirmative obligation to
18 supplement his responses, should he succeed in finding additional information.

19 **Interrogatory No. 5**

20 Interrogatory No. 5 asks Plaintiff to state all facts in support of his contention that
21 “searches conducted by Security Patrol officers and gym observation officers are targeted.”
22 Plaintiff provided a response that stated that his general experience supports that contention. The
23 Court GRANTS Defendants’ Motion to Compel a further response to this interrogatory. Plaintiff
24 must provide a further response to the interrogatory that explains the *specific* experiences on
25 which he bases the contention in his complaint. If he is unable to provide any specific experiences
26 that support his contention, he should so state in his response to the interrogatory.

27 **Interrogatory No. 7**

28 Interrogatory No. 7 is tied to a response that Plaintiff provided to Defendant Gonzales’
Requests for Admissions and requests facts supporting Plaintiff’s denial of that request. The

1 Court GRANTS Defendants' Motion to Compel a further response to this interrogatory. Plaintiff
2 shall provide a response that describes whether Defendant Gonzales was present at the meeting
3 described in the Request for Admission.

4 IT IS SO ORDERED.

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6 Dated: January 23, 2017

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE

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