



1 7, 2020, the Court also opened discovery and issued a Discovery and Scheduling Order. (ECF  
2 No. 64.)

3 Following an apparent request from Plaintiff for a case update regarding the settlement  
4 conference, on November 16, 2020, the Court issued an order clarifying that the settlement  
5 conference was vacated, this action is now proceeding with discovery, and the case is not  
6 currently set for any other settlement conferences or hearings.

7 Currently before the Court is a document titled “Motion & Request for Admission of  
8 Documents Pursuant to FRCP rule 36, Issues Summarily proves plaintiff case. Motion for  
9 Summary Judgement; in favor of Plaintiff,” filed by Plaintiff on December 1, 2020. (ECF No.  
10 67.) Upon review of the document, the Court construes the filing as a motion to compel  
11 discovery responses, a motion for summary judgment, and a motion for a settlement conference.  
12 Defendants have not yet had an opportunity to file a response, but the Court finds a response  
13 unnecessary. The motions are deemed submitted. Local Rule 230(1).

## 14 **II. Motion to Compel**

15 Although difficult to understand, it appears that Plaintiff is arguing that Defendants have  
16 failed to timely respond to his discovery requests. Based on the attachments to the motion,  
17 Plaintiff served his discovery requests on Defendants on November 9, 2020. (ECF No. 67, p. 14.)  
18 Pursuant to the Court’s October 7, 2020 Discovery and Scheduling Order, “[r]esponses to written  
19 discovery requests shall be due **forty-five (45) days** after the request is first served.” (ECF No.  
20 64, p. 1 (emphasis in original).)

21 As Plaintiff has not attached any other evidence of written discovery requests served on  
22 Defendants prior to November 9, 2020, Defendants responses are not due until forty-five days  
23 after service, which is December 24, 2020. Thus, Plaintiff’s motion to compel is premature. If  
24 Defendants fail to respond by December 24, 2020, or Plaintiff finds Defendants’ responses  
25 improper or insufficient, Plaintiff may re-file his motion to compel. Plaintiff is advised that any  
26 motion to compel should include Plaintiff’s written discovery requests, Defendants’ responses,  
27 and an explanation of why those responses are not sufficient.

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1 **III. Motion for Summary Judgment**

2 Plaintiff also appears to be requesting that the Court grant summary judgment in his favor.  
3 Plaintiff's motion is denied, without prejudice, for failing to comply with Local Rule 260.  
4 Pursuant to that rule, "[e]ach motion for summary judgment . . . shall be accompanied by a  
5 'Statement of Undisputed Facts' that shall enumerate discretely each of the specific material facts  
6 relied upon in support of the motion and cite the particular portions of any pleading, affidavit,  
7 deposition, interrogatory answer, admission, or other document relied upon to establish that fact."  
8 Local Rule 260(a).

9 Although Plaintiff has attached exhibits and other documents to his motion that he claims  
10 support his case, he has not included a separate statement of undisputed facts as required by Local  
11 Rule 260(a). Plaintiff will be permitted to re-file his motion at a future date in compliance with  
12 the Court's Local Rules.

13 **IV. Motion for Settlement Conference**

14 As the Court has noted above, there is currently no settlement conference scheduled in this  
15 action, as Defendants have opted out of the Court's early ADR project. Plaintiff, however,  
16 requests that the Court set a settlement conference date in March 2021. Plaintiff argues that it  
17 will not take longer than that for the Attorney General to review Plaintiff's medical files and to  
18 agree on a settlement.

19 It is not for Plaintiff to decide how much time is necessary for Defendants to review  
20 Plaintiff's medical files, or to determine whether Defendants should agree to a settlement in this  
21 case. Without a clear indication from all parties to the action that they are at least willing to  
22 discuss settlement, the Court does not find that it would be an efficient use of judicial resources to  
23 set this case for a settlement conference at this time. The parties are reminded that they are free  
24 to discuss settlement of this matter at any time without judicial involvement by continuing to  
25 communicate among themselves. If in the future the parties jointly decide that this action would  
26 benefit from a Court-facilitated settlement conference, they may so inform the Court.

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**V. Order**

Based on the foregoing, IT IS HEREBY ORDERED as follows:

1. Plaintiff’s motion to compel, (ECF No. 67), is DENIED, without prejudice, as premature;
2. Plaintiff’s motion for summary judgment, (ECF No. 67), is DENIED, without prejudice to re-filing in compliance with Local Rule 260(a); and
3. Plaintiff’s motion for a settlement conference, (ECF No. 67), is DENIED, without prejudice.

IT IS SO ORDERED.

Dated: December 2, 2020

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE