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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARISOL TOPETE and ROSALBA
MALDONADO,

Plaintiffs,

v.

RAMOS FURNITURE; FURNITURE
DEALS, INC.; DIMAS MANUEL, INC.;
and DOES 1-100, inclusive,

Defendants.

Case No.: 1:16-cv-00271-EPG

**ORDER GRANTING PLAINTIFFS'
MOTION TO COMPEL DISCOVERY**

(ECF No. 123)

Plaintiffs Marisol Topete and Rosalba Maldonado commenced this action by the filing of a Complaint on February 25, 2015. (ECF No. 1.) This action is currently proceeding on Plaintiffs' First Amended Complaint. Plaintiffs allege that Defendants Ramos Furniture, Furniture Deals, Inc., and Dimas Manuel, Inc. violated Cal. Lab. Code §§ 201-03, 226.7, 510, and 512; California Industrial Welfare Commission Work Order 3, 4, 11, and 12; Cal. Bus. & Prof. Code § 17200 *et. seq.*; 28 U.S.C. § 2201; and 29 U.S.C. § 201 *et seq. Id.*

On July 24, 2017, Plaintiffs filed a Motion to Compel Discovery Responses and Declaration of Daniel M. Kopfman in Support of Plaintiffs' Motion to Compel Discovery Responses, which are now before the Court. (ECF No. 123.) Plaintiffs state that Defendants Ramos Furniture and Furniture Deals, Inc. have failed to respond to Requests for Admission and Interrogatories under Fed. R. Civ. P. 33 and 36. Defendants Ramos Furniture and Furniture Deals, Inc. have not opposed this motion.

The Court finds good cause to **GRANT** Plaintiffs' request for an order compelling discovery

1 responses from Defendants. Furthermore, by failing to provide responses, Defendants have waived
2 all objections to such discovery, and all Requests for Admission are deemed admitted. *See* Fed. R.
3 Civ. P. 33(b)(4) and 36(a)(3). Plaintiffs' motion being **GRANTED**, Defendants Ramos Furniture and
4 Furniture Deals, Inc. are ordered to serve written responses to Plaintiffs' Interrogatories within 10
5 days of service of this Order.

6 The Court notes that this motion comes after months of Defendants Ramos Furniture and
7 Furniture Deals, Inc.'s failure to participate in discovery. Accordingly, if said Defendants fail to
8 serve the responses as directed, Plaintiffs are granted leave to move for any and all sanctions,
9 including a default judgment and attorney's fees, under Rule 37 or otherwise, without further order of
10 this Court.

11 IT IS SO ORDERED.

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13 Dated: September 5, 2017

14 /s/ Eric P. Gray
15 UNITED STATES MAGISTRATE JUDGE
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