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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

RACHEL LOBATO,  
Plaintiff,

v.

CNC APEX CORP. dba FOSTER'S FREEZE, et  
al.,  
Defendants.

**Case No. 1:16-cv-00953-LJO-EPG**

**ORDER FOLLOWING MID-  
DISCOVERY STATUS CONFERENCE**

The Court held a mid-discovery status conference on April 27, 2017. In advance of the conference, the Court received a joint status report. In that report, and again during the conference, the parties requested a settlement conference. The parties also provided the following status of the case:

Plaintiff performed a site inspection of the property in November 2016. The parties have been discussing settlement since December 2016. Plaintiff refrained from serving discovery to see if the matter could be settled without additional fees. However, since this did not occur, Plaintiff eventually was forced to serve discovery. On March 14, 2017, Plaintiff served interrogatories and requests for production on Defendants.

(ECF No. 19, at p. 3). During the conference, the parties further explained that they came close to resolution of the case in December 2016, but had been unable to reach a settlement. The parties still

1 hoped to reach resolution before engaging in full scale litigation. Defendants have contested  
2 Plaintiff's attorneys' fees since December 2016. Plaintiff argues that Defendants have failed to  
3 respond to discovery and represented that Defendants' responses to discovery have solely been  
4 written objections without substantive responses or documents. Defendants requested additional  
5 time to provide discovery.

6 As discussed during the conference, the Court wishes to facilitate settlement and understands  
7 that substantial additional attorneys' fees may hamper such settlement. However, the Court was  
8 reluctant to stay the case pending a settlement conference. The Court also alerted the parties that it  
9 expected litigation to proceed expeditiously if settlement is not reached. The Court also emphasized  
10 the need for Defendants to meaningfully participate in discovery, and warned that sanctions could be  
11 issued if Defendants fail to do so.

12 Accordingly, the Court orders as follows:<sup>1</sup>

- 13 • Defendants shall provide complete responses to Plaintiff's outstanding discovery  
14 requests, subject to legitimate objections consistent with the Federal Rules of Civil  
15 Procedure, within 45 days from the date of this order. Failure to provide such  
16 responses without a legitimate basis may subject Defendants to sanctions.
- 17 • To the extent Defendants' discovery responses remain deficient following that time  
18 period, Plaintiff has leave to enforce those discovery requests in the normal course  
19 including meet and confer, informal discovery conferences, and a motion to compel if  
20 necessary and authorized by the Court.
- 21 • All further discovery is stayed until the conclusion of a settlement conference.
- 22 • No later than close of business on May 5, 2017, the parties shall provide the Court  
23 with at least 5 potential dates for a settlement conference, not including the month of  
24 July. Submission shall be sent to Michelle Rooney at mrooney@caed.uscourts.gov.
- 25 • The Court sets a status conference for September 11, 2017 at 9:30 am. The parties  
26 are directed to file a joint status report one full week prior to the conference and email  
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28 <sup>1</sup> To the extent this order differs from the tentative order discussed on the status conference, this order governs.

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a copy of same, in Word format, to [epgorders@caed.uscourts.gov](mailto:epgorders@caed.uscourts.gov). The Court grants telephonic appearances, with each party wishing to so appear directed to use the following dial-in number and passcode: **1-888-251-2909; passcode 1024453**. At that time, the Court will reset the schedule taking into account the remaining discovery.<sup>2</sup> The parties should be prepared to move expeditiously to trial.

IT IS SO ORDERED.

Dated: April 27, 2017

/s/ Eric P. Groj  
UNITED STATES MAGISTRATE JUDGE

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<sup>2</sup> Although the Court asked the parties to submit a schedule by May 5, upon further consideration, the Court will revise dates after the settlement conference.