

1 Reynolds Indus., Inc., 709 F.2d 585, 589 (9th Cir. 1983); see also Fed. R. Civ. P. 41(b); Local Rule
2 110.

3 “Sanctions may be warranted under Federal Rule of Civil Procedure 37(b)(2) for failure to
4 obey a discovery order as long as the established issue bears a reasonable relationship to the subject of
5 discovery that was frustrated by sanctionable conduct.” Navellier v. Sletten, 262 F.3d 923, 947 (9th
6 Cir. 2001). Under Rule 37(b)(2), subsections (A) through (C), sanctions are “appropriate only in
7 ‘extreme circumstances’ and where the violation is ‘due to willfulness, bad faith, or fault of the
8 party.’” Fair Housing of Marin v. Combs, 285 F.3d 899, 905 (9th Cir. 2002).

9 On April 4, 2018, the Court referred this case to post-screening alternative dispute resolution,
10 stayed the action for 120 days, and set a settlement conference before United States Magistrate Judge
11 Barbara A. McAuliffe on July 18, 2018, at 9:30 a.m. (ECF No. 37.) In that order, the parties were
12 advised that formal discovery was stayed, but the parties were free to engage in informal discovery to
13 prepare for the settlement conference. (Id.)

14 Here, Plaintiff contends that he sought emails sent and received by Defendants during the
15 relevant time frame regarding primary care clinician Dr. Amajoyi’s recommendations and Defendants
16 responses thereto. More specifically that Defendants: “(1) explicitly instructed Plaintiff not to be
17 referred for higher level of mental care despite Dr. Amajoyi recommendation; (2) explicitly instructed
18 that Plaintiff be held at a lower level of mental health care at CSPC until this lawsuit resolved; and (3)
19 explicitly instructed that no facts of the above be recorded in Plaintiff’s medical file notes and that
20 such facts only be recorded and/or discussed by email to restrict Plaintiff’s access or disclose.” (Mot.
21 at 3:5-17, ECF No. 48.)

22 Plaintiff has failed to meet his burden in demonstrating that imposition of sanctions is
23 warranted in this instance. There is nothing before the Court that to demonstrate that the alleged
24 misconduct by Defendants in failing to disclose the above information is relevant or has affected
25 Plaintiff’s ability to efficiently participate in the settlement conference set for Wednesday, July 18,
26 2018. Nor has Plaintiff demonstrated that the discovery sought is nonprivileged matter that is relevant

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1 to his claims. Fed R. Civ. P. 26(b)(1). Accordingly, Plaintiff's motion for imposition of sanctions
2 against Defendants is denied.

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IT IS SO ORDERED.

Dated: July 17, 2018



UNITED STATES MAGISTRATE JUDGE