

1
2
3
4
5
6 **UNITED STATES DISTRICT COURT**

7 EASTERN DISTRICT OF CALIFORNIA

8 CHRISTINA CABRERA, et al.,

9 Plaintiffs,

10 v.

11 UNITED STATES OF AMERICA,

12 Defendant.

Case No. 1:17-cv-00019-LJO-SAB

ORDER GRANTING DEFENDANT'S
MOTION TO COMPEL DISCOVERY
RESPONSES FROM PLAINTIFF
CHRISTINA CABRERA AND VACATING
HEARING SET FOR SEPTEMBER 13, 2017

(ECF Nos. 19, 20)

13
14 On August 30, 2017, Defendant filed a motion to compel Plaintiff Christina Cabrera to
15 produce responses to requests for production of documents and interrogatories. (ECF No. 19.)
16 The hearing is set for September 13, 2017. On September 5, 2017, Plaintiff Christina Cabrera
17 filed a notice of non-opposition to Defendant's motion to compel discovery responses. (ECF No.
18 20.) The Court, having reviewed the record, finds this matter suitable for decision without oral
19 argument. See Local Rule 230(g).

20 Motions to compel are governed by Federal Rule of Civil Procedure 37, which states, in
21 pertinent part:

22 **(a) Motion for an Order Compelling Disclosure or Discovery.**

23 **(3) Specific Motions.**

24 **(B) To Compel a Discovery Response.** A party seeking discovery may move for
an order compelling an answer, designation, production, or inspection. This
motion may be made if:

25 **(iii)** a party fails to answer an interrogatory submitted under Rule 33; or

26 **(iv)** a party fails to produce documents or fails to respond that inspection will be
permitted—or fails to permit inspection—as requested under Rule 34.

27 Fed. R. Civ. P. 37.

28 Responses to interrogatories and requests for production of documents are due within

1 thirty days after being served. See Fed. R. Civ. P. 33(b)(2) and 34(b)(2)(A).

2 In support of Defendant's motion to compel, Defendant's counsel, Alyson Berg, filed a
3 declaration stating that Defendant served Plaintiff Christina Cabrera with the first set of
4 interrogatories and first set of document requests on July 18, 2017. (August 30, 2017
5 Declaration of Alyson Berg ¶¶ 4-5, ECF No. 19-2.) Ms. Berg also declared that Plaintiff
6 Christina Cabrera has not provided responses to the first set of interrogatories or the first set of
7 requests for production. (Id. ¶ 5.)

8 In light of Plaintiff Christina Cabrera's non-opposition to the motion to compel and Ms.
9 Berg's declaration in support of Defendant's motion, Defendant's unopposed motion to compel
10 Plaintiff Christina Cabrera to produce responses to Defendant's first set of interrogatories and
11 first set of requests for production of documents is granted.

12 Accordingly, IT IS HEREBY ORDERED that:

- 13 1. The September 13, 2017 hearing on Defendant's motion to compel is VACATED;
- 14 2. Defendant's unopposed motion to compel Plaintiff Christina Cabrera to produce
15 responses to Defendant's first set of interrogatories and first set of requests for
16 production of documents is GRANTED;
- 17 3. Plaintiff Christina Cabrera shall produce responses to Defendant's first set of
18 interrogatories and first set of requests for production of documents within **fourteen**
19 **(14) days** of the date of service of this order; and
- 20 4. Plaintiff Christina Cabrera is forewarned that failure to comply with this order or
21 future failures to comply with discovery obligations will result in sanctions, which
22 may include, but not limited to monetary sanctions and dismissal of her claims.

23 IT IS SO ORDERED.

24 Dated: September 6, 2017

25 
26 _____
27 UNITED STATES MAGISTRATE JUDGE
28