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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA
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10 EUGENE C. BROWN,

11 Plaintiff,

12 v.

13 C. CHOTHIA, et al.,

14 Defendants.
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Case No. 1:19-cv-00352-EPG (PC)

ORDER GRANTING MOTION FOR
ADDITIONAL INTERROGATORIES

(ECF NO. 61)

16 Plaintiff, Eugene C. Brown, an inmate at the Sierra Conservation Center (“SCC”), is
17 proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C.
18 § 1983. Plaintiff has filed a motion seeking to increase the number of interrogatories to
19 defendants pursuant to Federal Rule of Civil Procedure 33(a)(1). (ECF No. 61.) Defendants
20 oppose the motion, stating that Plaintiff has not shown good cause for the requested increase in
21 the number of interrogatories. (ECF No. 62.) For the reasons set forth below, the Court will
22 grant the motion.

23 In the Court’s Scheduling Order, the Court ordered that “[a] party may serve on any
24 other party no more than 15 interrogatories On motion, these limits may be increased for
25 good cause.” (ECF No. 50 at 2.) Further, under Federal Rule of Civil Procedure 33, “[u]nless
26 otherwise stipulated or ordered by the court, a party may serve on any other party no more than
27 25 written interrogators, including all discrete subparts. Leave to serve additional
28 interrogatories may be granted to the extent consistent with Rule 26(b)(1) and (2).” Fed. R. Civ.

1 P. 33(a)(1).

2 Although a *pro se* litigant need not make a “particularized showing” that he is entitled
3 to propound additional interrogatories, *see McNeil v. Hayes*, 2014 WL 1125014, at *2 (E.D.
4 Cal. Mar. 20, 2014), he must nonetheless demonstrate good cause, *see* Fed. R. Civ. P. 26(b)(1).
5 An incarcerated party’s highly limited ability to conduct a deposition in prison may contribute
6 to a finding of good cause to file additional interrogatories. *See McNeil*, 2014 WL 1125014, at
7 *2.

8 Here, Plaintiff seeks leave to serve a total of 30 interrogatories on two of the defendants
9 named in this action – defendants Crutchfield and Jukes. This is 15 interrogatories over the
10 limit imposed by the Court in the scheduling order and 5 interrogatories over the limit imposed
11 by Federal Rule of Civil Procedure 33(a)(1). Plaintiff explains that he served a first set of 15
12 interrogatories on all of the defendants named in the action regarding his Eighth Amendment
13 claim and received responses thereto. (ECF No. 61 at 6.) Plaintiff then issued a second set of 15
14 interrogators regarding his First Amendment claims to the only two defendants against whom
15 he is bringing these claims – defendants Crutchfield and Jukes. (*Id.*) Because defendants
16 Crutchfield and Jukes had already received and responded to the first set of 15 interrogatories
17 regarding Plaintiff’s Eighth Amendment claim, they refused to respond to the second set of
18 interrogatories, stating that the additional interrogatories violated the maximum number set out
19 in the Court’s scheduling order. (*Id.*) Plaintiff then filed the motion for additional
20 interrogatories, explaining that he seeks to increase in the number of interrogatories only for
21 defendants Crutchfield and Jukes and only in relation to his First Amendment claim.

22 Given that Plaintiff is not an attorney, some imprecision, duplication, and confusion can
23 be expected in drafting and serving discovery, including interrogatories. It appears that Plaintiff
24 may have believed that the limit on interrogatories was as to each claim rather than an overall
25 limit. Further, Plaintiff’s first set of interrogatories, and his proposed additional interrogatories
26 appear to seek discoverable information, and Defendants have not claimed otherwise. The
27 additional interrogatories also cannot be fairly described as unduly burdensome. Finally,
28 depositions, which would relieve some of the pressure created by having to respond to

