

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSE MANUEL PEREZ,

Plaintiff,

No. CIV S-06-2090 MCE GGH P

vs.

D.K. SISTO, et al.,

Defendants.

ORDER

_____ /

In an Order, filed on August 25, 2009 (docket # 53), the court directed, inter alia, defendants to submit a proof of service demonstrating that their discovery responses had been served by May 11, 2009, pursuant to a previous order of the court (docket # 46). Defendants promptly submitted a proof of having served their response to “plaintiff’s second request for production of documents” as of May 15, 2009. Docket # 54. Defendants also include an explanatory letter, dated May 6, 2009, that was evidently sent to plaintiff indicating that due to their own miscalculation of the due date and in light of the discovery order, defendants had requested the extension of time premised on an inaccurate due date that the court denied, but that the actual due date was May 17, 2009. In that letter, defendants reference both responses to interrogatories and requests for production. Moreover, the initial request for extension of time itself (docket # 45) referenced plaintiff’s having served interrogatories and requests for admission. However, as noted, the proof of service only identifies that, as of May 15, 2009, the

1 responses to plaintiff's second set of requests for production were served.

2 Therefore, while the court will accept defendants' explanation of why the
3 responses were not filed as of May 11, 2009, they have yet to demonstrate that all of the
4 discovery responses were filed on or before May 17, 2009. Defendants have until September 9,
5 2009, to do so.

6 IT IS SO ORDERED.

7 DATED: September 1, 2009

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

9
10 GGH:009
pere2090.ord

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26