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UNITED STATES DISTRICT COURT

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FOR THE EASTERN DISTRICT OF CALIFORNIA

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10 BRIAN DAWE; FLAT IRON
11 MOUNTAIN ASSOCIATES, LLC,
12 formerly known as FLAT
13 IRON MOUNTAIN ASSOCIATES,
14 a Partnership,

NO. CIV. S-07-1790 LKK/EFB

13 Plaintiffs,

14 v.

O R D E R

15 CORRECTIONS USA, a California
16 Corporation; CALIFORNIA
17 CORRECTIONAL PEACE OFFICERS'
18 ASSOCIATION, a California
19 Corporation; JAMES BAIARDI,
20 an individual; DONALD JOSEPH
21 BAUMANN, an individual,

19 Defendants.

20 _____/
AND CONSOLIDATED ACTIONS &
21 RELATED COUNTERCLAIMS

22 On July 20, 2010, defendants designated depositions and
23 interrogatories for trial. This designation listed virtually the
24 entire deposition testimony from over fifteen witnesses. This list
25 is twenty-seven pages long, and contains four columns of single
26 spaced citations to deposition testimony. Defendants also

1 designated approximately sixty discovery responses, many of which
2 include responses to hundreds of discovery requests. Additionally,
3 defendants have designated some pages of documents produced in
4 discovery.

5 On July 21, 2010, plaintiffs' counsel wrote a letter to the
6 court concerning the enormity of defendants' filing. With respect
7 to the deposition testimony, counsel stated that, "If I am to take
8 Defendants' filing literally, it appears that Defendants are
9 intending to present their counterclaims exclusively via
10 depositions and discovery." As to the discovery responses, counsel
11 wrote that, "Defendants' presentation appears to reflect nothing
12 more than a 'kitchen sink' approach that provides me and my clients
13 with no legitimate elucidation as to what interrogatory responses
14 Defendants truly intend to use. Essentially, it is the equivalent
15 of no filing at all." The court agrees with plaintiffs'
16 characterization of defendants' filings.

17 For the foregoing reasons, the court ORDERS as follows:

- 18 (1) Defendants SHALL file amended designations of
19 depositions and interrogatories by 12:00 p.m. on July
20 23, 2010. These amended designations SHALL be limited to
21 the deposition passages and discovery responses that
22 defendants intend to use in their case-in-chief.
- 23 (2) If defendants amended documents are not substantially
24 shortened, the court shall order defendants to explain
25 how each passage of deposition testimony and each
26 discovery response designated by defendants will be

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used in defendants' case-in-chief.

(3) The court reserves to the end of the case a determination as to whether the filing constitutes an abuse of the court process.

IT IS SO ORDERED.

DATED: July 21, 2010.



LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT