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

BOB SAVAGE,

Plaintiff,

No. 2:08-cv-1346 LKK JFM (PC)

vs.

SUZAN HUBBARD, et al.,

Defendants.

ORDER

_____/

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On July 20, 2010, plaintiff filed a motion to compel discovery responses and for sanctions. Plaintiff seeks an order requiring defendants to provide further responses to his first request for production of documents and an order requiring defendants Duffy and Gibbs to respond to plaintiff’s first set of interrogatories.¹ In opposition, defendants contend that their responses to plaintiff’s first request for production of documents was adequate and that defendants Gibbs and Duffy were not served with plaintiff’s first set of interrogatories.

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¹ Plaintiff also requests an order requiring other defendants to answer his interrogatories “in a sufficient and meaningful manner” but he has made no argument or showing in the motion that the responses served by other defendants were inadequate.

1 Plaintiff has attached to his motion a copy of his first set of interrogatories as well
2 as responses served by defendants who responded thereto. See Exs. 3 and 4 to Motion to
3 Compel filed July 20, 2010. Plaintiff's first set of interrogatories is dated April 7, 2010. Ex. 3 to
4 Motion to Compel filed July 20, 2010. The first page of that set of interrogatories provides in
5 relevant part that plaintiff is requesting "that the Defendant's [sic] Andreasen, *Gibbs, Duffy*
6 Chanan, Williams, Zhu, Shelton, Sabin, Johns, and Borbe response to the following
7 interrogatories." Ex. 3 to Motion to Compel filed July 20, 2010, at 1 (emphasis added). There is
8 no proof of service appended to the interrogatories filed by plaintiff.

9 Defendants have attached to their opposition a proof of service dated April 14,
10 2010 that provides certification of service of "Interrogatories for Defendant's [sic] Zhu, Borbe,
11 Johns, Andreasen, Chanan, Williams, Shelton, and Sabin." Ex. A to Declaration of Matthew W.
12 Kubicek in Support of Opposition to Motion to Compel, filed September 15, 2010 (Kubicek
13 Declaration). Defendants have not attached the interrogatories to which the proof of service was
14 appended. Good cause appearing, defendants will be directed to file a complete copy of the
15 interrogatories to which Exhibit A to the Kubicek Declaration was appended.

16 On January 25, 2011, defendants filed a motion to modify the date for filing
17 dispositive motions set in the further amended scheduling order filed in this action on June 30,
18 2010. Good cause appearing, defendants' motion will be granted. The court will set a new
19 deadline for filing dispositive motions following resolution of the discovery motions now
20 pending before the court.

21 Good cause appearing, IT IS HEREBY ORDERED that:

22 1. Within five days from the date of this order defendants shall file a complete
23 copy of the interrogatories to which the proof of service attached as Exhibit A to the Kubicek
24 Declaration was appended; and

25 ////

26 ////

1 2. Defendants' January 25, 2011 motion to modify the date for filing dispositive
2 motions is granted. The court will set a new deadline for filing dispositive motions following
3 resolution of the discovery motions now pending before the court.

4 DATED: January 27, 2011.

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7 UNITED STATES MAGISTRATE JUDGE

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