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

ROBERT WATTS,

Plaintiff,

CIV. NO. S- 08-1877 LKK GGH

vs.

ALLSTATE INDEMNITY COMPANY,
et al.,

Defendants.

ORDER

Presently before the court are plaintiff's ex parte applications for order shortening time to hear his motions to compel further responses to special interrogatories, set one (dkt. #s 94, 95), and requests for production, set two (dkt. #s 107, 108). Plaintiff requests a hearing and resolution of these motions prior to the September 15, 2009 discovery cutoff, claiming that defendants have not fully responded to discovery requests propounded on July 2, 2009, and have not responded to plaintiff's meet and confer efforts.

Yesterday, this court denied defendants' application for order shortening time in regard to discovery involving potentially voluminous discovery. Now plaintiff is taking his turn to ask this court to drop everything to resolve a hopelessly tardy, voluminous discovery dispute. Such potentially voluminous discovery as that at issue here may not be resolved on such short

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1 time. In fact, there is no realistic hearing date available prior to September 15, 2009.¹ The
2 parties' lack of prior planning will not become this court's emergency.

3 This court's denial of plaintiff's applications is without prejudice to a properly
4 filed Joint Statement re Discovery Dispute, E.D. Cal. Local Rule 37-251, if the district judge
5 grants plaintiffs' motion to modify the scheduling order.

6 Accordingly, IT IS ORDERED that:

7 1. Plaintiff's ex parte application to shorten time, filed September 8, 2009,
8 (docket # 94), is denied.

9 2. Plaintiff's motion to compel responses to special interrogatories, set one, filed
10 September 8, 2009, (docket # 99), is vacated without prejudice.

11 3. Plaintiff's ex parte application to shorten time, filed September 8, 2009,
12 (docket # 107), is denied.

13 4. Plaintiff's motion to compel responses to requests for production of
14 documents, set two, filed September 8, 2009, (docket # 114), is vacated without prejudice.

15 DATED: September 9, 2009

16 /s/ Gregory G. Hollows

17 _____
18 GREGORY G. HOLLOWES
19 U. S. MAGISTRATE JUDGE

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25 ¹ This morning plaintiffs filed a "separate statement regarding discovery dispute,"
26 apparently pertaining to the motion to compel requests for production; however, it is not in
conformity with E.D. Local Rule 37-251 and defendants' actions as described by plaintiffs, do
not amount to a total failure.