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

ROBERT WATTS, on behalf of
himself individually and all others
similarly situated,

No. 2:08-cv-01877 LKK KJN

Plaintiff,

vs.

ALLSTATE INDEMNITY COMPANY, an
Illinois corporation, ALLSTATE
INSURANCE COMPANY, an Illinois
corporation, ALLSTATE PROPERTY
AND CASUALTY INSURANCE
COMPANY, an Illinois corporation; and
DOES 1 through 100, inclusive,

Defendants.

ORDER

_____ /

Defendants Allstate Indemnity Company, Allstate Insurance Company and
Allstate Property and Casualty Insurance Company’s (“Allstate” or “defendants”) Motion to
Compel Supplemental Rule 26(a) Initial Disclosures (the “Motion”) from plaintiff Robert Watts
was set to be heard on March 3, 2011. (Motion, Dkt. No. 184.)

The undersigned vacated the March 3, 2011 hearing date, and issued an Order to
Show Cause (“OSC”) asking defendants to address the fact that the Motion appeared to present a
dispute squarely pertaining to non-expert, class discovery, even though the January 29, 2011

1 deadline for completion of such class discovery has passed. (OSC, Dkt. No. 186.)


2 In response to the OSC, defendants filed a written statement on March 8, 2011,
3 explaining that the Motion “seeks documents that bear on both class issues **and the merits** of
4 Plaintiff’s claims and request for relief, including ‘all documents identified in Plaintiff’s Rule 26
5 disclosures’ and ‘all documents supporting Plaintiff’s claims.’” (Dkt. No. 187 at 2 (emphasis
6 added).) This clarification is helpful, given that the Motion itself purports to seek “an order
7 requiring Plaintiff to produce, or identify by category and location, **any documents he intends to**
8 **use in connection with the class certification phase** of this proceeding.” (Joint Statement at 1-
9 2, 5-6 (emphasis added).) Defendants’ clarification in response to the OSC confirms that they
10 intend their Motion to broadly encompass discovery regarding the merits of plaintiff’s claims.
11 Accordingly, the Motion is not barred by the class discovery cutoff. (Dkt. No. 187 at 2
12 (emphasis added).) The undersigned finds that defendants have shown cause why their Motion
13 does not require such modification to the Scheduling Order.

14 For the foregoing reasons, IT IS HEREBY ORDERED that:

- 15 1. The show cause order is HEREBY discharged as to defendants; and
- 16 2. Defendants’ Motion to Compel Supplemental Rule 26(a) Initial Disclosures
17 from plaintiff (Motion, Dkt. No. 184) is hereby set to be heard on the undersigned’s law and
18 motion calendar at 10 a.m. on Thursday, April 7, 2011.

19 IT IS SO ORDERED.

20 DATED: March 16, 2011

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23 KENDALL J. NEWMAN
24 UNITED STATES MAGISTRATE JUDGE
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