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

EDWARD L. KEMPER,

Plaintiff,

No. CIV S-08-2777 GEB DAD

v.

FOLSOM CORDOVA UNIFIED
SCHOOL DISTRICT,

Defendant.

ORDER

_____ /
This matter came before the court on May 27, 2011, for hearing on defendant’s motion to compel further answers to its Special Interrogatories, Set Two. Dominic D. Spinelli, Esq. appeared for the moving party. Keith D. Cable, Esq. appeared for plaintiff.

On November 23, 2010, the assigned district judge amended his scheduling order to extend the deadline for completion of all discovery, except for expert discovery, from December 30, 2010, to May 27, 2011, pursuant to the parties’ stipulation and request. (Minute Order filed Nov. 23, 2010 (Doc. No. 45).) “Completed” in the discovery context “means that all discovery shall have been conducted so that all depositions have been taken and any disputes relative to discovery shall have been resolved by appropriate order if necessary and, where discovery has been ordered, the order has been complied with.” (Order filed Jan. 21, 2009 (Doc. No. 12), at 3.)

1 Under the scheduling order, defendant's motion to compel further responses to his
2 second set of special interrogatories was brought too late to allow a reasonable time for plaintiff
3 to serve further written responses to the interrogatories if the court were to order further
4 responses.¹ Accordingly, defendant's May 6, 2011 motion to compel (Doc. No. 48) has been
5 denied as untimely and the court has not ruled on the merits of the motion.

6 IT IS SO ORDERED.

7 DATED: May 27, 2011.

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10 _____
11 DALE A. DROZD
12 UNITED STATES MAGISTRATE JUDGE

11 DAD:kw
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26 ¹ As noted at the hearing, any responses ordered would have had to be provided later that same day since the hearing was noticed for the final day of discovery.