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BRADLEY VAN DYKE,

Plaintiff,

V.

D.K. SISTO, et al.,

Defendants.

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

NO. CV-08-3120-JLQ

ORDER RE: MOTIONS TO COMPEL

BEFORE THE COURT is Plaintiff's Motion to Compel Responses to Interrogatories (Ct. Rec. 35). On August 20, 2010, Defendants responded, indicating that due to an oversight by counsel, responses were not completed or served in a timely fashion, but that the responses have now been served. Ct. Rec. 41.

The court notes that on August 17, 2010 Plaintiff filed another motion to compel relating to the Defendants' responses to the request for production of documents, which notably, were served one day before the extension deadline imposed by the court. Plaintiff's motion indicates that prior to filing the motion he sent a letter to defense counsel informing him of his problem with certain responses and willingness to seek compromise, but that defense counsel had not responded as of August 9, 2010. Ct. Rec. 40.

Within 10 days, and prior to filing any response to this second motion to compel, defense counsel shall confer with Plaintiff, respond to Plaintiff's letter, and attempt to resolve the discovery dispute without the necessity of court order. Defendant's response to the motion to compel shall advise the court of parties' efforts to resolve the discovery dispute.

ORDER - 1

The responses having been received, Plaintiff's Motion to Compel Interrogatories (Ct. Rec. 35) is **DENIED**, including the request for sanctions.

IT IS SO ORDERED. The District Court Executive is directed to enter this Order and provide a copy to Plaintiff and counsel.

DATED this 26th day of August 2010.

s/ Justin L. Quackenbush JUSTIN L. QUACKENBUSH SENIOR UNITED STATES DISTRICT JUDGE