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

PATRIOT RAIL CORP.,

Plaintiff,

No. CIV S-09-009 MCE EFB

vs.

SIERRA RAILROAD COMPANY,

Defendant.

ORDER

On February 3, 2012, plaintiff filed a motion to strike one of defendant’s supplemental expert reports and a motion for sanctions due to alleged discovery misconduct and violations of the assigned district judge’s scheduling orders. Dckt. No. 191. Plaintiff noticed the motion under Local Rule 251 and set the matter for hearing before the undersigned on February 29, 2012. Then, on February 6, 2012, defendant filed a motion for an order compelling plaintiff to produce supplemental responses to discovery, and a motion for sanctions due to alleged discovery misconduct and violations of the court’s orders. Dckt. No. 192. Defendant also noticed the motion under Local Rule 251 and set the matter for hearing before the undersigned on February 29, 2012.

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1 However, the discovery deadlines in this case (both expert and non-expert), which were
2 extended multiple times, expired more than a year ago.¹ As set forth in the district judge's
3 original Pretrial Scheduling Order, the discovery deadline is the date on which all discovery is to
4 be "completed," which "means that all discovery shall have been conducted so that all
5 depositions have been taken and any disputes relative to discovery shall have been resolved by
6 appropriate order if necessary and, where discovery has been ordered, the order has been
7 complied with." *See* May 18, 2009 Pretrial Scheduling Order, Dckt. No. 20 at 2.

8 Therefore, defendant's motion to compel, Dckt. No. 192, and the portions of both
9 plaintiff and defendant's motions seeking discovery sanctions, Dckt. Nos. 191 and 192, are
10 denied since this court has no authority to consider discovery motions after the close of
11 discovery.² Additionally, the February 29, 2011 hearing on the remainder of the parties' motions
12 (plaintiff's motion to strike defendant's supplemental expert report and motion for sanctions for
13 violation of the district judge's scheduling order, and defendant's motion for sanctions for
14 violation of the court's orders) is vacated. If the parties desire to re-notice those motions, they
15 shall notice the motions before the assigned district judge and shall comply with Local Rule 230.

16 SO ORDERED.

17 DATED: February 7, 2012.

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19 EDMUND F. BRENNAN
20 UNITED STATES MAGISTRATE JUDGE

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23 ¹ The non-expert discovery deadline expired on September 10, 2010, and the deadline for
24 completing expert discovery expires sometime before the November 15, 2010 dispositive motion
25 deadline. *See* Dckt. No. 104 at 4-5 (providing third parties until September 10, 2010 to respond
26 to outstanding subpoenas and providing that "[t]he parties will complete all discovery of expert
witnesses in a timely manner in order to comply with the deadline for filing dispositive
motions"); *see also* Dckt. Nos. 100, 166.

² The parties may file a motion to further modify the Pretrial Scheduling Order, but that
motion must be heard and decided by the district judge.