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

10 LONNIE G. SCHMIDT, et al.,

11 Plaintiffs,

No. 2:09-cv-0660 LKK GGH PS

12 vs.

13 UNITED STATES OF AMERICA, et al.,

14 Defendants.

ORDER

15 \_\_\_\_\_/  
16 Plaintiffs have filed ten subpoenas on non-parties which reflect service between  
17 April 5 and 9, 2013, and require production of documents between April 22 and 24, 2013. (Dkt.  
18 nos. 85-94.) Some of the subpoenaed parties have filed motions to quash. The scheduling order  
19 in this case, which recently extended the discovery cutoff from January 24, 2013 to April 24,  
20 2013, requires:

21 All discovery is left open, save and except that it shall be so  
22 conducted as to be completed by [April 24, 2013]. The word  
23 “completed” means that all discovery shall have been conducted so  
24 that all depositions have been taken and any disputes relative to  
25 discovery shall have been resolved by appropriate order if  
26 necessary and, where discovery has been ordered, the order has  
been complied with. Motions to compel discovery must be noticed  
on the undersigned’s calendar in accordance with the local rules of  
this court and so that such motions will be heard not later than [two  
weeks prior to the discovery cutoff].

1 (Dkt. nos. 69, 80.) The subpoenas were served so close to the discovery cutoff that they violate  
2 the terms of the order. By waiting until the eleventh hour to propound this discovery, plaintiffs  
3 have effectively ensured that any disputes concerning such subpoenas could not possibly be  
4 resolved by April 24, 2013. Plaintiffs should have moved for an extension to the discovery  
5 cutoff long ago if they had a reasonable excuse for waiting so long to issue the subpoenas.

6 Accordingly, IT IS ORDERED that:

7 1. While the court will not interfere with voluntary compliance with the  
8 subpoenas, neither will the court hear motions to enforce the subpoenas. The subpoenas, filed  
9 April 12 and 17, 2013, (dkt. nos. 85-94), will not be enforced; and

10 2. The motion to quash, filed April 23, 2013, by Lawrence Warfield and Warfield  
11 and Company, (dkt. no. 95), is denied as moot and vacated from the calendar for May 23, 2013.

12 3. The Clerk shall serve Lawrence Warfield and Warfield and Company at the  
13 address indicated in their motions.

14 DATED: April 24, 2013

15  
16 /s/ Gregory G. Hollows  
UNITED STATES MAGISTRATE JUDGE

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