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

JACK WILLIAMS, et al.,

Plaintiffs,

No. CIV S-09-1023 MCE DAD

v.

ALLSTATE INSURANCE COMPANY,

Defendant.

ORDER

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Plaintiffs have moved to compel further responses to their special interrogatories (set one) and production of certain documents responsive to their request for production of documents (set one). The motion has been noticed for hearing on August 13, 2010.

The Pretrial Scheduling Order filed in this case on August 10, 2009, provides that

[a]ll discovery, with the exception of expert discovery, shall be completed by **May 14, 2010**. In this context, “completed” 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 obeyed.

(Doc. No. 11 at 2 (emphasis in original).) By order filed June 2, 2010, the assigned district judge granted plaintiff’s unopposed motion to extend the deadline for completing non-expert discovery to July 14, 2010. (Doc. No. 17 at 2.)

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Plaintiffs filed their motion to compel on July 12, 2010, two days prior to the discovery completion deadline. The motion was noticed for hearing more than a month after the completion deadline and plainly cannot be resolved by appropriate order that could be obeyed on or before July 14, 2010.

Accordingly, IT IS ORDERED that plaintiffs' July 12, 2010 motion to compel (Doc. No. 18) is denied without prejudice, and the motion will not be placed on the court's calendar for hearing on August 13, 2010.

DATED: July 14, 2010.

  
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DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

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