

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

BASANT SIDHU, et al.,

Plaintiffs,

No. CIV S-09-1090 LKK DAD

V.

SHERIFF'S DEPUTY S. GARCIA, et al.,

ORDER

Defendants.

Plaintiffs have filed a motion to compel the deposition of defendant Stacey Singh, who is proceeding pro se in this action. The motion to compel has been noticed for hearing on May 28, 2010 before the undersigned.

On June 30, 2009, a scheduling order was issued by the district judge assigned to this case. Pursuant to that order, discovery “shall be so conducted as to be completed by June 1, 2010.” Status (Pretrial Scheduling) Order filed June 30, 2009 (Doc. No. 22) at 5 (emphasis in original). “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 complied with.

Id. To ensure that the parties bring their motions to compel in time for any orders to be complied

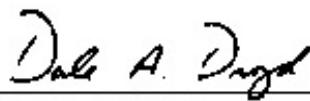
1 with, the scheduling order also provides further that “[m]otions to compel discovery must be
2 noticed on the magistrate judge’s calendar in accordance with the local rules of this court and so
3 that such motions will be heard not later than May 1, 2010.” Id. (emphasis added).

4 Plaintiffs have noticed their motion to compel for hearing later than May 1, 2010.
5 Moreover, even if the order did not specify a May 1, 2010 deadline for the hearing of motions to
6 compel, plaintiffs’ motion has been noticed for hearing only four days prior to the discovery
7 deadline, which is not sufficient time for compliance with any order that might be issued on May
8 28, 2010 – a Friday preceding a three-day holiday weekend.

9 April 30, 2010 is the last date on which a motion to compel may be heard by the
10 undersigned in this case pursuant to the current scheduling order. While it does not appear that
11 plaintiffs can re-file their motion in any manner that complies with Local Rule 251, the motion
12 noticed for hearing on May 28, 2010, will be denied without prejudice.

13 Accordingly, IT IS ORDERED that plaintiffs’ April 8, 2010 motion to compel
14 deposition (Doc. No. 33) is denied without prejudice, and the motion is dropped from the court’s
15 May 28, 2010 calendar.

16 DATED: April 20, 2010.

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19 DALE A. DROZD
20 UNITED STATES MAGISTRATE JUDGE

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