

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

ANDREW RICK LOPEZ,

Plaintiff,

No. CIV S-09-1760 MCE GGH P

vs.

ARNOLD SCHWARZENEGGER, et al.,

Defendants.

ORDER

\_\_\_\_\_ /

The discovery dispute in this matter came on for hearing on October 25, 2012, before the undersigned. Robert Navarro appeared for plaintiff and Matthew Ross Wilson represented the defendants. Following the hearing, this court makes the following ORDERS:

1. A protective order is to be submitted by the parties forthwith;
2. Within two weeks, or by November 8, 2012, subject to the protective order to be reviewed, approved and issued by the court, documents responsive to plaintiff's requests for production (RFP) nos. 1, 2, 3, 4, 7, as modified and/or agreed to by the parties and articulated by the court at the hearing will be produced to plaintiff with the caveat that, as to RFP no. 7, it is only that request directed to defendants Berna, Buechler and Gomez which requires production in response (see below);
3. RFP no. 5 has been withdrawn;

1           4. With respect to RFP no. 6 directed to defendant Burt, within ten days, if this  
2 defendant cannot produce plaintiff's rebuttal to the CDC 128B-2 identified, he must serve upon  
3 plaintiff a statement under oath that he has conducted a search reasonably calculated to reveal the  
4 responsive document but has been unable to locate it, listing each of the places where his search  
5 was conducted.

6           5. As to RFP no. 6 directed to defendant Cronjeager and defendant Fischer,  
7 respectively, and as to RFP no. 8 propounded upon defendant Garcia, following production  
8 subject to the protective order in response, counsel for both parties are directed to discuss and  
9 formulate a plan and to return to court with the proposed plan before proceeding to act upon any  
10 confidential information/statements revealed;

11           6. As to RFP no. 8 directed to defendant Fischer, as well as RFP no. 7 served  
12 upon defendant Florez and defendant Garcia, those requests for production are denied; and

13           7. Counsel are to submit a stipulation for extending the deadline for the filing of  
14 dispositive motions forthwith.

15 DATED: October 30, 2012

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

18 GGH:009  
19 lope1760.ord2  
20  
21  
22  
23  
24  
25  
26