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

EDWIN DURAND, et al.,

Plaintiffs,

No. CIV S-09-2038 JAM KJM PS

vs.

CANDICE STEPHENSON, et al.,

Defendants.

ORDER

_____ /

Plaintiffs' motion to compel came on regularly for hearing April 28, 2010.

Plaintiff Madelaine Durand appeared in propria persona. Glenn Peterson appeared for defendants. Upon review of the documents in support and opposition, upon hearing the arguments of plaintiffs and counsel, and good cause appearing therefor, THE COURT FINDS AND ORDERS AS FOLLOWS:

1. The motion to compel the first set of discovery propounded by plaintiffs is moot. Any dispute regarding discovery propounded on April 2, 2010 is unripe. The motion to compel responses to the second set of interrogatories and production of documents accordingly is denied without prejudice.

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2. The parties have stipulated that the deposition of defendant Strauch shall take place on May 3, 2010 in Roseville, California. The parties may contact the courtroom deputy for the undersigned to arrange for a telephonic conference to resolve any disputes arising during the deposition.

3. Upon review of the transcript of the deposition of defendant Stephenson, the court finds the broad prospective relief requested by plaintiffs regarding the conduct of defense counsel is not warranted. Moreover, plaintiffs have not identified specific questions posed at the deposition that were not answered, or for which the responses are in dispute. The motion to compel further deposition of defendant Stephenson is denied.

DATED: April 29, 2010.



U.S. MAGISTRATE JUDGE