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

JEREMY GILMORE, et al.,

Plaintiffs,

No. CIV S-09-02180 JAM DAD

v.

UNION PACIFIC RAILROAD
COMPANY, et al.,

Defendants.

ORDER

_____/

Plaintiffs have filed a motion to compel defendant Union Pacific Railroad to produce Locomotive Engine No. 9643 for inspection in Roseville, California by the end of January 2011 and to produce documents related to that engine. (Doc. No. 140.) Plaintiffs have noticed this motion for hearing on January 14, 2011.

The Status (Pretrial Scheduling) Order issued in this case on January 5, 2010, required that all discovery be “completed” by December 10, 2010. (Doc. No. 24 at 3.) By Stipulation and Order filed October 12, 2010, the deadline for completion of discovery was extended to January 14, 2011. (Doc. No. 89.) In the context of discovery, “‘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.” (Doc. No. 24 at 3.)

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In noticing a discovery motion for hearing on the deadline for completion of discovery, plaintiffs have failed to conduct discovery so that all disputes relative to discovery will have been resolved by appropriate order and all such orders will have been complied with by the January 14, 2011 deadline. Accordingly, plaintiffs' motion to compel (Doc. No. 140) is denied as untimely and will be dropped from the court's January 14, 2011 calendar. Denial is without prejudice to re-filing only if discovery in this action is further extended.

IT IS SO ORDERED.

DATED: December 20, 2010.



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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