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

TAMSCO PROPERTIES, LLC; JKR
LASER INVESTMENT, LLC; SURFER
BEACH, LLC; TO BE DETERMINED, LLC,

Plaintiffs,

No. 2:09-cv-3086-GEB-EFB

vs.

LORAL LANGEMEIER; LIVE OUT
LOUD, INC.,

Defendants.

ORDER

On October 12, 2012, plaintiffs filed a motion to compel defendants to provide plaintiffs with copies of any insurance policies that may satisfy all or a part of a judgment in this action, as required by Federal Rules of Civil Procedure 26(a)(1)(A)(iv) and 37(a)(3)(A). Dckt. No. 101. Plaintiffs noticed the motion for hearing before the undersigned on November 14, 2012. *Id.* Defendants oppose the motion, arguing that there is nothing to compel since defendants have moved to compel arbitration and that if the motion is granted, the discovery requests will be moot because plaintiffs will be required to arbitrate their claims. Defendants further point out that if the motion is denied, defendants have agreed to voluntarily produce the insurance policies at issue. Dckt. No. 103 at 2. Therefore, defendants request that the motion to compel be denied without prejudice or continued until after the motion to compel arbitration has been heard. *Id.*

1 The motion to compel arbitration is noticed for hearing before the assigned district judge on
2 November 19, 2012. Dckt. No. 100.

3 Because it appears that the court's ruling on defendants' motion to compel arbitration
4 may resolve the issues set forth in plaintiffs' motion to compel production of defendants'
5 insurance policies, Dckt. No. 101, that motion is denied without prejudice and the November 14,
6 2012 hearing thereon is vacated. If the court's ruling on defendants' motion to compel
7 arbitration and the subsequent meet and confer process between the parties (as required by Local
8 Rule 251(b) and Federal Rule of Civil Procedure 37(a)(1)) do not resolve the issues set forth in
9 plaintiffs' motion to compel, plaintiffs may re-notice the motion for hearing in accordance with
10 Local Rule 251.

11 SO ORDERED.

12 DATED: November 9, 2012.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE