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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. CIV S-09-3086 GEB EFB

vs.

LORAL LANGEMEIER; LIVE OUT
LOUD, INC.,

Defendants.

ORDER

On May 4, 2012, plaintiffs filed a motion to compel defendants to serve their initial disclosures in compliance with Federal Rule of Civil Procedure 26(a), and noticed the motion for hearing before the undersigned on June 6, 2012. Dckt. No. 80. Plaintiffs request that defendants be compelled to serve the disclosures despite defendants' objections thereto, which are based on defendants' position that plaintiffs improperly joined a variety of claims in this action. *Id.* at 3, 6.

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1 Then, on May 21, 2012, defendants filed a motion to sever the claims they contend were
2 improperly joined by plaintiffs. Dckt. No. 84. That motion is scheduled to be heard before the
3 assigned district judge on June 18, 2012.¹ Dckt. No. 84.

4 In their opposition to plaintiffs' motion to compel, defendants state that "the issues
5 framed by plaintiffs' motion [to compel] are the same as those framed by defendants' Motion to
6 Sever," since "Defendants only objected to serving Rule 26(a) disclosures because the case
7 improperly bundled different claims, of different parties, regarding different investments, in
8 different entities." Dckt. No. 85 at 2. Therefore, defendants request that the motion to compel
9 be continued to the date the motion to sever will be heard. *Id.*

10 Because it appears that the court's ruling on defendants' motion to sever may resolve the
11 issues set forth in plaintiffs' motion to compel, Dckt. No. 80, that motion is denied without
12 prejudice and the June 6, 2012 hearing thereon is vacated. If the court's ruling on defendants'
13 motion to sever and the subsequent meet and confer process between the parties (as required by
14 Local Rule 251(b) and Federal Rule of Civil Procedure 37(a)(1)) do not resolve the issues set
15 forth in plaintiffs' motion to compel, plaintiffs may re-notice the motion for hearing in
16 accordance with Local Rule 251.

17 SO ORDERED.

18 DATED: May 25, 2012.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE

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25 ¹ Also noticed for hearing on June 18, 2012 before the assigned district judge is
26 defendants' motion for sanctions against plaintiffs' counsel for filing a complaint on behalf of an
entity that does not exist. Dckt. No. 82.