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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CALIFORNIA SPORTFISHING  
PROTECTION ALLIANCE,

Plaintiff,

v.

CHICO SCRAP METAL, INC., et al.,

Defendants.

No. 2:10-cv-01207-GEB-AC

ORDER

This matter is before the undersigned pursuant to Local Rule 302(c)(1). The operative complaint, filed on November 22, 2013, contains claims against defendants for violations of the Clean Water Act, 33 U.S.C. §§ 1251, 1387, and California Health and Safety Code 25249.5 *et seq.* ECF No. 108. Currently before the court is the stay it imposed on its own October 9, 2014, order granting plaintiff's motion to compel. ECF No. 158.

On August 18, 2014, plaintiff filed a motion to compel (1) responses to its Requests for Production Nos. 31, 43, 44, 45, and 46; (2) the deposition of the person most knowledgeable for defendant Chico Scrap Metal, Inc. regarding the financial wherewithal of the company; and (3) the deposition of defendant George Scott, Sr. regarding his individual financial wherewithal. ECF No. 153. All of the information plaintiff sought concerned defendants' financial status. Id. On October 1, 2014, the parties filed a joint statement outlining their respective positions

1 regarding the discoverability of the information in question. ECF No. 155. Plaintiff argued that  
2 the information was relevant because it bore directly on the penalty the court could impose if  
3 defendants were found liable for violation of the Clean Water Act. Id. at 2–3. Defendants, on the  
4 other hand, argued that such information was not relevant to the case at the time because liability  
5 had not yet been determined. Id. at 3–5. Recognizing that without a bifurcation of the case  
6 information relevant to penalties is discoverable, the court granted plaintiff’s motion to compel.  
7 ECF No. 158. At defendants’ request however, the court stayed its order to give them the  
8 opportunity to file a renewed motion for bifurcation in front of the district judge. Id.


9 On October 16, 2014, defendants filed an amended motion to bifurcate or, in the  
10 alternative, to reconsider the undersigned’s order. ECF No. 159. On December 2, 2014, the  
11 district judge denied what he interpreted as defendants’ motion to reconsider both his original  
12 order denying defendants’ motion to bifurcate and the undersigned’s order granting plaintiff’s  
13 motion to compel. ECF No. 163. In light of the district judge’s order denying defendants’  
14 motion, the undersigned will lift the stay on its October 9, 2014, order.

15 In accordance with the above, IT IS HEREBY ORDERED that

- 16 1. The stay on the court’s October 9, 2014, order (ECF No. 158) is lifted;
- 17 2. Defendants shall produce responsive documents within 30 days; and
- 18 3. Defendants shall produce the person most knowledgeable for defendant Chico  
19 Scrap Metal, Inc. regarding the financial wherewithal of the company and Mr. George Scott Sr.  
20 for deposition at a time and location that is convenient to the parties within 30 days.

21 IT IS SO ORDERED.

22 DATED: December 3, 2014

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24 ALLISON CLAIRE  
25 UNITED STATES MAGISTRATE JUDGE  
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