

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DENNLy R. BECKER, et al.,
Plaintiffs,
v.
WELLS FARGO BANK, N.A., INC., et
al.,
Defendants.

No. 2:10-cv-2799 TLN KJN PS

ORDER

Plaintiff Denny Becker (“plaintiff”) requested an informal discovery teleconference to allow the court to address issues pertaining to defendant Wells Fargo Bank’s (“defendant”) document production and responses to plaintiff’s interrogatory number twenty-one.¹ On February 6, 2014, the undersigned conducted the informal discovery teleconference.² Plaintiff appeared telephonically on his own behalf. Attorney David Newman appeared telephonically on defendant’s behalf.

///

///

¹ (See ECF Nos. 163 at 4 (requiring the parties to request telephonic conferences before completing any further discovery filings); 164 at 3-4 (same).)

² This action proceeds before this court pursuant to Eastern District of California Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1).

1 For the reasons discussed on the record during the teleconference, it is HEREBY
2 ORDERED THAT:

3 1. On or before February 7, 2014, defendant's counsel shall send to plaintiff via email³ a
4 supplemental response to plaintiff's interrogatory twenty-one that identifies, by their Bates-
5 stamped numbers, all documents responsive to that request.⁴

6 2. Plaintiff's request to compel discovery is DENIED as both untimely and insufficiently
7 supported. This dismissal is without prejudice to future renewal of such a motion provided that
8 plaintiff is able to articulate that good cause exists as to why a late-filed motion should be
9 entertained. ***In addition, plaintiff must include in any such future motion to compel: (1) a***
10 ***description of the specific discovery items he seeks to compel; (2) why those items are relevant***
11 ***to the advancement of his claims; (3) why he could not have sought to compel or otherwise***
12 ***obtain such discovery prior to the January 21, 2014, deadline; and (4) why he cannot now***
13 ***obtain the information sought from these discovery items through means other than a motion***
14 ***to compel. Any future motions to compel by plaintiff that do not include a discussion of these***
15 ***topics will be summarily denied as untimely.***

16 ////

17 ////

18 ////

19 ³ During the teleconference, defendant's counsel offered to send an email to plaintiff later that
20 day that identifies all produced documents responsive to plaintiff's interrogatory twenty-one by
21 their Bates-stamped numbers.

22 ⁴ While the undersigned articulated his displeasure with defendant's position regarding the
23 timeliness and accuracy of its previous responses to plaintiff's interrogatory twenty-one during
24 the teleconference, he finds that it bears repeating that he is troubled by defendant's counsel's
25 insistence that defendant has been quick to correct and supplement its responses to plaintiff's
26 discovery requests when the record reflects that defendant has done so only after either a court
27 order directing it to do so (see ECF Nos. 163, 167, 170) or plaintiff has presented it with evidence
28 that its responses are inaccurate and incomplete. Furthermore, even when defendant has
supplemented its responses, it has repeatedly failed to provide plaintiff with accurate and
complete information. Accordingly, the undersigned admonishes defendant that future arguments
that its responses to plaintiff's discovery requests have been accurate, complete, or timely will not
be well received.

