

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

ANTHONY PENTON,
Plaintiff,
v.
L. JOHNSON, et al.,
Defendants.

No. 2: 11-cv-0518 TLN KJN P

ORDER

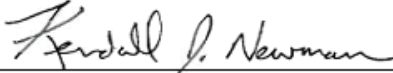
Plaintiff is a state prisoner, proceeding through counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. On August 19, 2019, the undersigned held a telephonic informal discovery conference addressing pending contention interrogatories propounded to plaintiff in early 2019. Plaintiff was represented by Kourtney Kinsel, Attorney at Law. Deputy Attorney General Van Kamberian appeared for defendants Walker, Virga, Donahoo, Bradford, Pool, Morrow, Gaddi, Quinn, Lynch, Salas, and Besenaiz. Nicole M. Cahill, Attorney at Law, appeared for defendant Johnson.

Upon review of the joint letter brief, and upon hearing the arguments of counsel, the request that plaintiff be required to provide further responses to the pending contention interrogatories is denied as overly broad and unduly burdensome. See Fed. R. Civ. P. 26(b)(2)(C) (stating that the court must limit discovery if the burden of the proposed discovery outweighs its likely benefit); Tubbs v. Sacramento County Jail, 2008 WL 863974, *1 (E.D. Cal. 2008), citing

1 Lucero v. Valdez, 240 F.R.D. 591, 594 (D. N.M. 2007) (“[c]ontention interrogatories should not
2 require a party to provide the equivalent of a narrative account of its case, including every
3 evidentiary fact. . . .”). Such denial is without prejudice to defendants filing a specific and
4 targeted motion if plaintiff makes supplemental disclosures or if there are missing material
5 responses in plaintiff’s deposition transcript, following, of course, a good faith effort to meet and
6 confer prior to the filing of such motion. The court also remains available for informal telephonic
7 discovery dispute hearings.

8 Accordingly, IT IS HEREBY ORDERED that the request for further responses to the
9 contention interrogatories (ECF No. 163) is denied without prejudice.

10 Dated: August 21, 2019

11 
12 _____
13 KENDALL J. NEWMAN
14 UNITED STATES MAGISTRATE JUDGE

15 /pent0518.oah
16
17
18
19
20
21
22
23
24
25
26
27
28