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

NATIONAL FIRE INSURANCE
COMPANY OF HARTFORD, et al.

Plaintiffs,

No. CIV S-11-0786 KJM CKD

vs.

WESTCHESTER FIRE INSURANCE
COMPANY, et al.

Defendants.

ORDER

_____/

Pending before the court are defendants’ motions to compel the depositions of the persons most qualified to testify on behalf of plaintiffs as well as the production of documents. (Dkt. No. 26, 27.) In turn, plaintiffs have filed motions for protective orders related to these depositions and document productions. (Dkt. Nos. 28, 30.) All four motions were noticed for hearing before the undersigned on January 25, 2012.

After the motions were filed, the parties were ordered to file their joint statement(s) pursuant to E.D. Cal. L.R. 251 fourteen (14) days prior to the hearing date on January 11, 2012. (Dkt. Nos. 29, 31.) The parties failed to file a joint statement pursuant to E.D. Cal. L.R. 251(c), or any separate statements pursuant to E.D. Cal. L.R. 251(d), by the required

1 deadline.

2 Additionally, the court notes that the deadline to complete all discovery in this
3 matter is January 25, 2012. (See Dkt. No. 19 at 2.) The district judge’s pretrial scheduling order
4 provides that in the context of discovery, the term “completed” means that “all discovery shall
5 have been conducted so that all depositions have been taken and any disputes relative to
6 discovery shall have been resolved by appropriate order if necessary and, where discovery has
7 been ordered, the order has been obeyed. All motions to compel discovery must be noticed on
8 the magistrate judge’s calendar in accordance with the local rules of this Court.” (See Pretrial
9 Scheduling Order, Dkt. No. 19, at 2.)

10 Therefore, the parties’ motions are untimely under the current discovery deadline,
11 because any depositions and document productions, whether limited by an appropriate protective
12 order or not, would have to take place after the discovery deadline. Accordingly, to obtain the
13 relief requested, the parties must first file a motion before the district judge to modify the pretrial
14 scheduling order and extend the deadline to complete discovery. As such, the instant motions
15 should be denied without prejudice.

16 Accordingly, IT IS HEREBY ORDERED that:

- 17 1. The January 25, 2012 hearing on the discovery motions is vacated; and
18 2. The parties’ discovery motions (dkt. nos. 26, 27, 28, and 30) are denied
19 without prejudice.

20 Dated: January 12, 2012

21 
22 CAROLYN K. DELANEY
23 UNITED STATES MAGISTRATE JUDGE

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25 National Fire.786.mtc.po.vac.wpd