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

DEAN A. DOGLIETTO,

Plaintiff,

No. CIV 2:11-cv-1501-MCE-JFM

vs.

TRINITY PROT. SERV., INC.

Defendant.

ORDER

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On June 28, 2012, the court held a discovery hearing on plaintiff's April 23, 2012 motion to quash and on defendant's June 7, 2012 motion to compel. There were no appearances for plaintiff. Carolyn B. Hall appeared by telephone for defendant. Upon consideration of the motions on file, discussion of counsel and good cause appearing therefor, THE COURT FINDS AS FOLLOWS:

A. Plaintiff's Motion to Quash

On May 23, 2012, plaintiff filed a motion to quash eleven subpoenas issued by defendant to various third parties. At the June 28, 2012 hearing, counsel for defendant asserted that the motion to quash is moot in light of defendant's pending motion for summary judgment. No appearance was made for Plaintiff. This motion will be denied.

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1 B. Defendant's Motion to Compel

2 In its June 7, 2012 motion to compel, defendant asserts that plaintiff has failed to
3 respond to any of defendant's discovery requests and has further failed to serve initial
4 disclosures. Plaintiff has not filed an opposition to this motion. Plaintiff did not make an
5 appearance at the June 28, 2012 discovery hearing. The court deems plaintiff's failure to file an
6 opposition and failure to appear at the discovery hearing non-opposition to defendant's motion.
7 Accordingly, this motion will be granted.

8 Based on the foregoing, IT IS HEREBY ORDERED that:

- 9 1. Plaintiff's May 23, 2012 motion to quash is denied;
- 10 2. Defendant's June 7, 2012 motion to compel is granted. Plaintiff is directed to
11 respond to defendant's discovery requests and to serve his initial disclosures within thirty (30)
12 days from the date of this order.

13 DATED: June 28, 2012.

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16 UNITED STATES MAGISTRATE JUDGE

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