

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

CHRISTOPHER D. SCHNEIDER,  
  
Plaintiff,  
  
v.  
  
BANK OF AMERICA N.A., BANK OF  
AMERICA MORTGAGE, BANK OF  
AMERICA HOME LOANS SERVICING  
LP, BALBOA INSURANCE CO., HOME  
RETENTION GROUP, QUALITY  
RETENTION GROUP, QUALITY LOAN  
SERVICE CORP., CLIFF COLER, DOES  
1-40,  
  
Defendants.

No. 2:11-cv-2953-JAM-EFB PS

ORDER

On November 18, 2014, the court issued an order granting plaintiff’s motion for a protective order. ECF No. 159. The order provided that “Plaintiff shall have 30 days from the date of the parties’ Rule 26(f) conference to serve his response to Quality’s discovery requests.” *Id.* at 4.

On December 1, 2014, plaintiff filed a motion for clarification, arguing that it was not clear when he was required to serve his response to defendant Quality’s discovery requests. ECF No. 163. He contends that the court’s order could be interpreted to mean that Quality is required to reserve its discovery requests and that he has 30 days to respond from the date of service, or

1 that Quality is not required to reserve its discovery requests and that plaintiff has 30 days from the  
2 date of the parties' Rule 26(f) conference to serve his response. *Id.*

3 The November 18 order makes no mention of Quality reserving its discovery requests.  
4 Furthermore, at the hearing on plaintiff's motion for a protective order, the court did not order  
5 Quality to reserve its discovery, nor was there any discussion about reserving the discovery  
6 requests. Moreover, the November 18 order specifically states that "Plaintiff shall have 30 days  
7 from the date of the parties' Rule 26(f) conference to serve his response to Quality's discovery  
8 requests." *Id.* at 4. There is nothing ambiguous about this statement.

9 Regardless, plaintiff's motion for clarification is now moot. On December 2, 2014,  
10 Matthew Learned, counsel for Quality, filed a declaration stating that the parties completed their  
11 Rule 26(f) conference on December 1, 2014, and that Quality also reserved its discovery requests  
12 on plaintiff on December 1, 2014. ECF No. 164 ¶¶ 6, 8. Therefore, under both of plaintiff's  
13 interpretations of the November 18, 2014 order, he is required to serve his responses by  
14 December 31, 2014.

15 Accordingly, plaintiff's motion for clarification, ECF No. 163, is denied as moot.

16 DATED: December 4, 2014.

17   
18 EDMUND F. BRENNAN  
19 UNITED STATES MAGISTRATE JUDGE  
20  
21  
22  
23  
24  
25  
26  
27  
28