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

ARCH INSURANCE COMPANY,

Plaintiff,

No. 2:12-cv-0617 KJM KJN

v.

SIERRA EQUIPMENT RENTAL, INC.,
et al.

Defendants.

ORDER

Presently pending before the court is a motion to compel filed by plaintiff Arch Insurance Company. (Dkt. No. 78.) The motion seeks to compel defendant Carolyn S. Scarola, as Trustee of the Dry Creek Ranches Trust (the "Trust") to (1) permit inspection of documents and things responsive to certain document requests contained in plaintiff's Requests for Production to the Trust served on July 20, 2012, and (2) produce a witness for deposition in accordance with plaintiff's Notice of Deposition of the Trust pursuant to Fed. R. Civ. P. 30(b)(6) served on October 18, 2012. (Dkt. Nos. 78, 82.) A hearing on the motion was initially noticed for January 17, 2013, and plaintiff and defendant Trust filed their joint statement and supporting documentation regarding the motion on January 10, 2013, in accordance with Local Rule 251. (Dkt. No. 79, 82.) However, during a brief telephonic conference with counsel for plaintiff and defendant Trust on January 16, 2013, the hearing was continued until February 21, 2013 to allow

1 the parties additional time to resolve their discovery dispute and resolve certain issues related to
2 the bankruptcy filings by some of the other defendants. (Dkt. No. 85.) To date, the parties have
3 not filed a supplemental joint statement apprising the court of the status of the motion to compel.

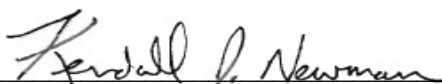
4 In light of the above, IT IS HEREBY ORDERED that:

5 1. No later than Tuesday February 19, 2013, at 12:00 p.m., plaintiff and defendant
6 Trust shall file a joint statement identifying specifically what issues, within the scope of the
7 presently pending motion to compel, remain for resolution, if any. Unless pertinent to any
8 development in their negotiations and meet-and-confer efforts, the parties need not submit further
9 briefing regarding the remaining substantive issues that have already been briefed in the initial
10 joint statement. Failure to timely file the joint statement will result in an order denying the
11 motion to compel without prejudice.

12 2. In the alternative, if the parties have resolved their dispute regarding issues
13 within the scope of the presently pending motion to compel, plaintiff shall file a notice
14 withdrawing the motion no later than Tuesday February 19, 2013, at 12:00 p.m.

15 IT IS SO ORDERED.

16 DATE: February 15, 2013

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19 KENDALL J. NEWMAN
20 UNITED STATES MAGISTRATE JUDGE
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