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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 LENNAR MARE ISLAND, et al.,

12 Plaintiffs,

13 v.

14 STEADFAST INSURANCE COMPANY,
15 et al.,

16 Defendants.

No. 2:12-cv-2182-KJM-KJN

17 LENNAR MARE ISLAND, LLC,

18 Plaintiff,

19 v.

20 STEADFAST INSURANCE COMPANY,

21 Defendant.
22

No. 2:16-cv-0291-KJM-KJN

ORDER

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24 On February 16, 2017, these cases were before the undersigned to address
25 plaintiff/counterdefendant Lennar Mare Island, LLC's ("Lennar") motions to compel Steadfast
26 Insurance Company ("Steadfast") to amend and/or supplement its responses to Lennar's request
27 for inspection numbers 37 and 124. (ECF Nos. 438, 440 in Case No. 12-cv-2182; ECF Nos. 73,
28

75 in Case No. 2:16-cv-0291.)¹ Attorney Allan Packer appeared on behalf of Lennar. Attorney John Purcell appeared telephonically on behalf of Steadfast. Attorney Mitchell Zeff appeared telephonically on behalf of intervenor plaintiff United States. Attorneys Adam Dawson and Amanda Hairston appeared telephonically on behalf of counterclaimant/counter defendant CH2M Hill Constructors, Inc.

Based on Lennar's motions and the parties' joint statements regarding these discovery disputes, other relevant filings, and oral arguments, and for the reasons discussed below and on the record during the hearing, IT IS HEREBY ORDERED that:

1. Lennar's motions to compel (ECF Nos. 438, 440 in Case No. 12-cv-2182; ECF Nos. 73, 75 in Case No. 2:16-cv-0291) are GRANTED.
2. By no later than 4:00 p.m. on March 3, 2017, Steadfast shall produce to Lennar a declaration by its counsel representing upon Steadfast's information and belief that it has produced every document that, as of that date, comprises the claims files Lennar seeks through its request for inspection numbers 37 and 124 and identifying, for each such claim file described in Lennar's requests, the produced documents that make up each such file by their Bates stamp numbers.
3. Lennar's request for \$10,800.00 in attorneys' fees pursuant to Federal Rule of Civil Procedure 37(a)(5)(A) is GRANTED. For the reasons discussed on the record during the hearing, the court finds that Steadfast was not substantially justified in its responses to Lennar's discovery requests at issue. Furthermore, the court finds that the declarations of Ryan L. Werner submitted in support of Lennar's request for attorneys' fees (ECF Nos. 456, 459 in Case No. 12-cv-2182, and ECF Nos. 90, 93 in Case No. 2:16-cv-0291) provide a sufficient basis to support such a request, and that the amount requested is reasonable under the circumstances. Accordingly, Steadfast shall pay Lennar \$10,800.00 pursuant to Federal Rule of Civil Procedure 37(a)(5)(A) for the reasonable attorneys' fees Lennar incurred in its efforts to obtain the discovery

¹ The motions to compel filed in both actions are identical.

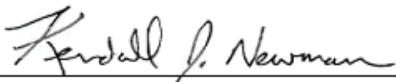
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sought through its present motions to compel.

4. This order resolves the motions to compel filed at ECF Nos. 438, 440 in Case No. 12-cv-2182, and ECF Nos. 73, 75 in Case No. 2:16-cv-0291.

IT IS SO ORDERED.

Dated: February 17, 2017


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE