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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY W. ROBINSON,
Plaintiff,
v.
SAN JOAQUIN COUNTY, et al.,
Defendants.

No. 2:12-CV-02783-MCE-GGH

ORDER

Defendant San Joaquin County’s Motion to Compel further responses to discovery, ECF No. 152, was heard on the court’s 9:00 a.m. calendar on March 22, 2013. Plaintiff appeared in pro se on his own behalf and defendant was represented by attorney Jamie M. Bossuet of the Kroloff, Belcher, Smart, Perry & Christopherson firm. No joint statement regarding the discovery disagreement was filed pursuant to Eastern District of California Local Rule 251. Instead, defendant filed an affidavit declaring that plaintiff had not completed his portion of the Joint Statement which defendant had prepared and forwarded to him. Plaintiff explained that he had been served with a motion by defendants to which he had to prepare an opposition and had run out of time to address the Joint Statement.

During the hearing, after the court put aside from discussion any documents which had been already produced by either side in this litigation, plaintiff first assured the court that he had no documents in his possession responsive to the discovery request at issue that he intended to

1 use as evidence in his case-in-chief and thus no additional material to disclose. The court
2 discussed third-party documents plaintiff indicated he did have in his possession, and plaintiff
3 declared that none of these documents were to be used in his evidentiary presentation, but rather
4 were for use solely in rebuttal or for impeachment purposes. After a full discussion of the types
5 of third-party documents that were producible pursuant to the request, and those that could be
6 protected by the work product doctrine, plaintiff again stated that he had no documents that were
7 within the description provided by the court, producible either for case-in-chief purposes or
8 impeachment purposes.

9 After the court further explained that any yet unproduced documents could not be
10 submitted as trial exhibits for any purpose, the parties agreed, plaintiff on his own behalf, and
11 attorney Bossuet on behalf of the moving defendant, that the Request for Production of
12 documents had been fully satisfied and the matter was now moot.

13 In light of the foregoing, IT IS HEREBY ORDERED that:

14 1. Defendant's Motion to Compel further production of documents is DISMISSED as
15 moot.

16 2. Pursuant to the court's Scheduling Order, ECF No. 138 at 2:9-20, discovery in this
17 case is now closed.

18 3. Unless the subject of stipulation, plaintiff may not seek to admit at trial any
19 documents which have not yet been produced by the parties in this litigation;

20 4. The Clerk of the Court shall remove the gavel designation from ECF No. 152 and
21 from ECF No. 145, which was resolved by an Order dated December 13, 2017, ECF No. 146.

22 Dated: March 23, 2018

23 /s/ Gregory G. Hollows
24 UNITED STATES MAGISTRATE JUDGE
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