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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CINDY HERROCK,

Plaintiff,

v.

SUTTER HEALTH, et al.,

Defendants.

No. 2:13-cv-557-MCE-EFB

ORDER

On October 23, 2013, the court heard defendant Sutter Health's motion to compel plaintiff to respond to Sutter Health's discovery requests. ECF No. 11. Attorney Daniel Mitchell appeared on behalf of plaintiff; attorney Tyreen Torner appeared on behalf of Sutter Health.

For the reasons stated on the record, Sutter Health's motion to compel is granted. Plaintiff shall provide responses to plaintiff's interrogatories within fourteen days. Plaintiff shall also identify and produce those documents requested in plaintiff's request for production of documents within fourteen days.

Sutter Health's request that it be reimbursed the reasonable expenses incurred in bringing this motion is also granted. *See* Fed. R. Civ. P. 37(a)(5)(A) (if a motion to compel is granted, the court must require the party whose conduct necessitated the motion to pay the movant's reasonable expenses incurred in making the motion). At the hearing, counsel for plaintiff admitted that he should have responded to Sutter Health's discovery requests and that it was his

1 fault no response was provided. Based on these representations, the court orders Mr. Mitchell,  
2 and not his client, to pay Sutter Health the reasonable expenses incurred in bringing this motion.  
3 *See id.* Within fourteen days of this order, Sutter Health shall submit a declaration identifying the  
4 costs and attorney's fees incurred in bringing its motion. Any response by plaintiff to that  
5 declaration shall be filed within seven days thereafter. Upon receipt of this declaration, and  
6 objections, if any, the court will assess the reasonableness of the amount requested, and order Mr.  
7 Mitchell to pay Sutter Health the reasonable expenses incurred. No evidentiary or termination  
8 sanction shall issue.

9 SO ORDERED

10 DATED: October 23, 2013.

  
11 EDMUND F. BRENNAN  
12 UNITED STATES MAGISTRATE JUDGE  
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