

1  
2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
10

11 DAVID W. GREGOIRE,

12 Plaintiff,

13 v.

14 COUNTY OF SACRAMENTO, et al.,

15 Defendants.  
16

No. 2:13-cv-1857 TLN DAD

ORDER

17 On September 10, 2014, plaintiff filed a third amended notice of motion to compel  
18 discovery. (Dkt. No. 35.) The hearing of that motion was noticed by plaintiff's counsel for  
19 October 10, 2014. The parties, however, did not file a Joint Statement re Discovery  
20 Disagreement at least seven days prior to the scheduled hearing date, in violation of Local Rule  
21 251(a). Local Rule 251(a) also provides that the hearing of plaintiff's motion may be dropped  
22 from calendar due to the failure to file a timely joint statement.

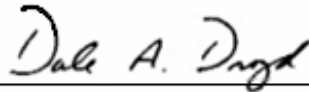
23 On January 29, 2014, the assigned District Judge issued a Status (Pretrial Scheduling)  
24 Order requiring that all discovery be "completed" by May 15, 2014. (Dkt. No. 16 at 2.) In the  
25 context of discovery, "completed" means that all discovery shall have been conducted so that all  
26 depositions have been taken and any disputes relative to discovery shall have been resolved by  
27 appropriate order if necessary and, where discovery has been ordered, the order has been  
28 obeyed." (Id.)

1 On April 10, 2014, the assigned District Judge entered an order extending the discovery  
2 deadline to October 1, 2014, pursuant to the parties' stipulation. (Dkt. No. 24.) On October 2,  
3 2014, the assigned District Judge granted the parties' stipulation to allow defendants 21 days to  
4 complete the deposition of plaintiff's expert, and to file a motion to compel with respect to that  
5 deposition if necessary. (Dkt. No. 38.) That order, however, did not extend the October 1, 2014  
6 discovery deadline in any other manner. In fact, that order explicitly stated that there were "no  
7 other changes to the scheduling order." (Dkt. No. 38.)

8 Under these circumstances, plaintiff's deadline for conducting discovery in this action has  
9 passed and plaintiff's motion to compel (Dkt. No. 35) is untimely. Accordingly, for the reasons  
10 stated above, plaintiff's motion to compel (Dkt. No. 35) is denied and dropped from the court's  
11 October 10, 2014 calendar. Denial of plaintiff's motion to compel is without prejudice to re-  
12 filing only if discovery in this action is further extended by court order.

13 IT IS SO ORDERED.

14 Dated: October 6, 2014

15 

16 DALE A. DROZD  
17 UNITED STATES MAGISTRATE JUDGE

18 DAD:6

19 Ddad1\orders.civil\gregoirie1857.disc.untimely.ord.docx  
20  
21  
22  
23  
24  
25  
26  
27  
28