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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TYRONE EDWARD HICKS,
Plaintiff,
v.
CITY OF VALLEJO, et al.,
Defendants.

No. 2:14-cv-0669 CKD PS (TEMP)

ORDER

On January 22, 2016, the court granted plaintiff's motion to compel and ordered defendants to produce responsive discovery within thirty days subject to the court's protective order issued that same day.¹ (Dtk. Nos. 44 & 45.) On February 16, 2016, defendants filed an ex parte application seeking an order prohibiting non-party Frederick Cooley from viewing the responsive discovery until defendants' motion for a protective order against Frederick Cooley filed in Cathey v. City of Vallejo, et al., No. 2:14-cv-1749 JAM AC can be heard on February 24, 2016. (Dkt. No. 49.)

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¹ The parties have consented to Magistrate Judge jurisdiction over this action pursuant to 28 U.S.C. § 636(c)(1). (Dkt. No. 25.)

1 Good cause appearing, IT IS HEREBY ORDERED that:

2 1. Defendants' February 16, 2016 ex parte application (Dkt. No. 49) is granted;²

3 2. Frederick Cooley is temporarily prohibited from viewing the discovery produced by
4 defendants in this action in response to the Court's January 22, 2016 order;

5 3. If defendants' motion in Cathey v. City of Vallejo, et al., No. 2:14-cv-1749 JAM AC is
6 denied, Frederick Cooley may view the discovery produced in compliance with the protective
7 order issued by the court³; and

8 4. If defendants' motion in Cathey v. City of Vallejo, et al., No 2:14-cv-1749 JAM AC is
9 granted, defendants shall have 14 days to file a notice of hearing a similar motion in this action
10 before the undersigned. Defendants' motion shall comply with Local Rule 251.⁴

11 Dated: February 18, 2016



12 CAROLYN K. DELANEY
13 UNITED STATES MAGISTRATE JUDGE

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22 ² As acknowledged by defendants' in their application, this order does not alter defendants' duty
23 to produce the responsive discovery to the plaintiff in compliance with the court's January 22,
2016 order. (Def's.' App. (Dkt. No. 49) at 4.)

24 ³ Having elected not to file a motion for a protective order in this action, the court does not
25 anticipate that, having lost their motion in Cathey v. City of Vallejo, et al., No. 2:14-cv-1749
26 JAM AC, defendants would seek to delay this action and re-litigate this issue by filing a
substantially similar motion.

27 ⁴ In granting defendants' ex parte application, plaintiff is informed that the court takes no view
28 on the merits of defendants' pending motion in Cathey v. City of Vallejo, et al., No. 2:14-cv-1749
JAM AC.