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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARILYN MARTIN,  
Plaintiff,  
v.  
COUNTY OF SAN JOAQUIN,  
Defendant.

No. 2:14-cv-1632 MCE CKD (TEMP)

ORDER

On November 11, 2015, defendant filed an amended notice of motion to compel a medical examination and set the matter for hearing before the undersigned on December 9, 2015, (Dkt. No. 41), pursuant to Local Rule 302(c)(1), which provides that all discovery motions in civil matters shall be heard by the assigned Magistrate Judge.

However, on November 19, 2014, the assigned District Judge issued a Pretrial Scheduling Order providing that “[a]ll discovery, with the exception of expert discovery, shall be completed by **August 13, 2015.**” (Dkt. No. 8 at 2) (emphasis in original). The Pretrial Scheduling Order also explains that

In this context, “completed” means that all discovery shall have been conducted so that all depositions have been taken and any disputes relative to discovery shall have been resolved by appropriate order if necessary and, where discovery has been ordered, the order has been obeyed. All motions to compel discovery must be noticed on the magistrate judge’s calendar in accordance with the local rules of this Court.

1 (Id.) On March 5, 2015, the assigned District Judge issued a minute order amending the  
2 November 19, 2014 Pretrial Scheduling Order to provide that “all discovery shall be completed  
3 by 11/13/2015” and that “disclosure of Expert Witnesses to be tendered no later than 1/13/2016.”  
4 (Dkt. No. 15.)

5 Under these circumstances, defendant’s deadline for conducting discovery in this action  
6 has passed and defendant’s November 11, 2015 amended motion to compel noticed for hearing  
7 before the undersigned is untimely.<sup>1</sup> Accordingly, for the reasons stated above, defendant’s  
8 amended motion to compel (Dkt. No. 41) is denied and dropped from the court’s December 9,  
9 2015 calendar. Denial of defendant’s motion to compel is without prejudice to re-filing if  
10 discovery in this action is re-opened by court order.

11 IT IS SO ORDERED.

12 Dated: November 24, 2015



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CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

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26 <sup>1</sup> Defendant’s motion argues that “there is no authority to suggest that a motion pursuant to Rule  
27 35 must be heard before the close of fact discovery . . . .” (Dkt. No. 41 at 8.) Even assuming,  
28 arguendo, that this assertion is true, it does not change the fact that the time permitted for the  
undersigned to hear discovery disputes has passed.