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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DESHAWN CATHEY,
Plaintiff,
v.
CITY OF VALLEJO, et al.,
Defendants.

No. 2:14-cv-01749-JAM-AC

ORDER

This matter is before the undersigned pursuant to Local Rule 302(c)(21). On November 23, 2015, defendants filed a request to continue the hearing on their motion for summary judgment from December 16, 2015, to February 3, 2016. ECF No. 56. Defendants explained that counsel, Furah Z. Faruqui, will be leaving the City of Vallejo’s Office on November 30, 2015. Id. The City of Vallejo does not expect Ms. Faruqui’s replacement to start until February 1, 2016. Id. Accordingly, good cause being shown, the court will grant defendants’ motion to continue the hearing on defendants’ motion for summary judgment.

The court will also take plaintiff’s November 10, 2015, motion to compel under submission and deny it due to plaintiff’s failure to comply with the court’s scheduling order and Local Rule 251. On March 5, 2015, the court issued its scheduling order in this case, setting a discovery deadline of August 31, 2015. ECF No. 13. The court’s order further specified that any disputes “relative to discovery shall have been resolved by appropriate order [by the discovery

1 cut-off date] if necessary.” Id. On August 28, 2015, defendants filed a motion to continue the
2 discovery deadline to September 30, 2015, in order to allow them to depose plaintiff. ECF No.
3 42. On August 31, 2015, plaintiff filed his own motion to extend the discovery deadline by 120
4 days. ECF No. 43. On September 15, 2015, the court issued an order granting an extension of
5 the parties’ discovery deadline to October 30, 2015. ECF No. 44.

6 On November 10, 2015, plaintiff filed a motion to compel discovery responses from
7 defendants, noticed for hearing in front of the undersigned on December 2, 2015. ECF No. 50.
8 On November 24, 2015, defendants filed an opposition to plaintiff’s motion to compel arguing
9 that it should be denied because, among other things, it is untimely. ECF No. 58. Plaintiff’s
10 motion to compel was filed eleven days after the court’s discovery deadline and accordingly, it is
11 indeed untimely. If plaintiff wishes to move to compel further discovery responses from
12 defendants he must first obtain a continuance of the parties’ discovery deadline. The untimeliness
13 of plaintiff’s motion is reason enough to deny it.

14 The court will also deny plaintiff’s motion on the additional grounds that he has failed to
15 comply with Local Rule 251. Local Rule 251 requires that parties moving to compel discovery
16 responses file a joint statement. A moving party is only exempted from the requirement of filing
17 a joint statement if (1) there has been a complete and total failure to respond to a discovery
18 request, or (2) the only relief sought is the imposition of sanctions. Local Rule 251(e). It is
19 undisputed that neither of the foregoing exceptions apply to plaintiff’s motion to compel. At the
20 court’s November 18, 2015 hearing, the undersigned specifically warned plaintiff that he was
21 required by Local Rule 251 to file a joint statement. Nevertheless, plaintiff has failed to do so.
22 Accordingly, the court will deny plaintiff’s motion to compel because he has failed to comply
23 with Local Rule 251’s instructions and the court’s scheduling order.

24 In accordance with the foregoing, THE COURT HEREBY ORDERS that:

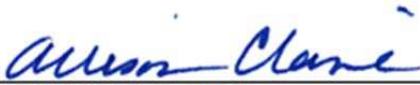
- 25 1. Defendants’ motion to continue, ECF No. 56, is GRANTED;
- 26 2. The court’s hearing on defendants’ motion for summary judgment is continued to
27 February 3, 2016;
- 28 3. Plaintiff’s motion to compel, ECF No. 50, is taken under submission and DENIED;

1 and

2 4. The court's December 2, 2015, hearing is VACATED.

3 DATED: November 30, 2015

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ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE

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