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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JUAN OROZCO and JUAN OROZCO-  
BRISENO, individuals, on behalf of  
themselves and all persons similarly  
situated,

Plaintiffs,

v.

ILLINOIS TOOL WORKS INC., a  
corporation, and Does 1 through 50,  
inclusive,

Defendants.

No. 2:14-cv-2113-MCE-EFB

ORDER

On July 20, 2016, defendant moved to compel plaintiff to provide further responses to its discovery requests. ECF No. 74. The motion is currently noticed for hearing on August 24, 2016. ECF No. 75. Local Rule 251(a) provides that the Joint Statement Re Discovery Disagreement must be filed at least seven days before the scheduled hearing date or, in this instance, by August 17, 2016. E.D. Cal. L.R. 251(a). Local Rule 251(a) also provides that the hearing on a discovery motion may be dropped from calendar without prejudice if the Joint Statement re Discovery Disagreement is not timely filed. *Id.* Although the deadline has passed, the docket reflects that no Joint Statement re Discovery Disagreement has been filed in connection with defendant's motion to compel.

1 More significantly, this court has no authority to consider defendant's discovery motion.  
2 On September 1, 2015, the assigned district judge issued a Pretrial Scheduling Order, which  
3 provides that all discovery related to class certification shall be completed by January 11, 2016.<sup>1</sup>  
4 ECF No. 21 at 2. The order further provides that "'completed' means that all discovery shall  
5 have been conducted so that all depositions have been taken and any disputes relative to  
6 discovery shall have been resolved by appropriate order if necessary and, where discovery has  
7 been ordered, the order has been obeyed." *Id.* The date to complete discovery related to class  
8 certification was subsequently extended to June 30, 2016.<sup>2</sup> ECF Nos. 37, 45. Defendant,  
9 however, did not file his discovery motion until July 20, 2016. Accordingly, this court has no  
10 authority to consider the discovery motion.

11 Therefore, defendant's motion (ECF No. 74) is denied and the August 24, 2016 hearing  
12 thereon is vacated.

13 SO ORDERED.

14 DATED: August 18, 2016.

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE

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24 <sup>1</sup> The scheduling order bifurcated the discovery process and limited Phase I to facts that  
25 are relevant to whether this action should be certified as a class. ECF No. 21. It further provided  
26 that all other dates and deadlines will be addressed in a supplemental scheduling order that will be  
issued following the ruling on the class certification motion. *Id.* at 3.

27 <sup>2</sup> The discovery deadline was further extended for the limited purpose of allowing  
28 compliance with the court's April 11, 2016 order requiring defendant to produce further  
responses to discovery plaintiff's requests. ECF No. 57; *see* ECF No. 52.