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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

NAPOLEAN ANDREWS,
Plaintiff,
v.
PRIDE INDUSTRIES, et al.,
Defendants.

No. 2:14-cv-2154 KJM AC

ORDER

Pending before the court is defendant's Motion for Protective Order (ECF No. 47). Defendant requests an order precluding the taking of a Fed. R. Civ. P. 30(b)(6) deposition. The motion was referred to the undersigned by E.D. Cal. R. 302(c).

Defendant filed its motion on January 8, 2016, and noticed it to be heard on February 3, 2016. However, the Status (Pretrial Scheduling) Order in this case states that "all oral depositions [shall be] completed by January 15, 2016." ECF No. 32 at 2. The order further states that "'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." Id.

The undersigned therefore has no authority to consider defendant's motion, as it is scheduled to be heard after January 15, 2016, the last date the undersigned can hear such


1 motions.¹ The scheduling order further provides that “the magistrate judge cannot change the
2 schedule set in this order, even in connection with a discovery matter.” Id. Therefore, if
3 defendant wishes to change the scheduling order so that this motion can be heard, it must get
4 permission to do so from the district judge presiding over this case.

5 For the reasons stated above, IT IS HEREBY ORDERED that:

6 1. Defendant’s Motion for a Protective Order (ECF No. 47), is DENIED, without
7 prejudice.

8 2. The February 3, 2016 hearing on this matter is VACATED.

9 DATED: January 29, 2016

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11 ALLISON CLAIRE
12 UNITED STATES MAGISTRATE JUDGE
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24 ¹ The earliest the motion could possibly have been heard was January 20, 2016 (if the motion had
25 been filed concurrently with a Joint Statement), which is also beyond the last date the
26 undersigned could hear such a motion. The court also notes that by filing a separate
27 Memorandum of Law, and separate declarations in support of its motion, defendant was not in
28 compliance with E.D. Cal. R. 251, which permits only the filing of (1) the Notice, and (2) a Joint
Statement, and *no other documents*. The Joint Statement (or defendant’s statement, since
defendant asserts that no Joint Statement could be obtained), would include all the documents
which defendant, improperly, filed separately.