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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TIMOTHY DEMARTINI, et al.,
Plaintiffs,
v.
MICHAEL DEMARTINI, et al.,
Defendants.

No. 2:14-cv-2722 JAM CKD PS

ORDER

Calendared for hearing on December 14, 2016 is plaintiffs’ motion to compel production of documents. Because oral argument is not of material assistance, this matter is submitted on the briefs. E.D. Cal. L.R. 230(g). Upon review of the parties’ separate statements¹ and declarations submitted in connection with the motion, and good cause appearing therefor, THE COURT FINDS AS FOLLOWS:

Defendants have in their initial disclosures described electronically stored information (“ESI”). Although plaintiffs’ forensic computer examiner has copied some of this information, defendants have refused to allow the discs of copied ESI to be provided to plaintiffs. Defendants’ objections to producing this discovery are meritless.

¹ As noted in the court’s December 6, 2016 order, in the future, the court will not consider separate submissions with respect to discovery motions. The court expects the parties to comply with both the spirit and letter of the law set forth in Local Rule 251.

1 In addition, defendants have refused to allow plaintiffs' copy service to copy paper
2 documents which defendants again have represented are documents responsive to plaintiffs'
3 discovery requests. Defendants have produced no privilege log and have not properly moved for
4 entry of a protective order. Plaintiffs' motion will therefore be granted.

5 Plaintiffs seek \$4,625 as reasonable expenses incurred in connection with the motion.
6 Because defendants' separate statement has not addressed this issue, defendants will be afforded
7 an opportunity to oppose this request.

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. The hearing date of December 14, 2016 is vacated.
- 10 2. Plaintiffs' motion to compel production of documents (ECF No. 122) is granted.
- 11 3. No later than December 12, 2016, defendants shall provide the electronic copies of
12 computer files made by plaintiffs' forensic computer examiner on November 29-30, 2016. No
13 later than December 12, 2016, defendants shall make available for inspection and copying the two
14 boxes of documents produced on December 2, 2016 but which defendants did not permit the copy
15 service to copy (see ECF No. 136, ¶ 16), and all documents as described in the declaration of
16 Yasmin Quilat at paragraph 3 (ECF No. 137 at 2:22-3:9).
- 17 4. No later than December 12, 2016, defendants may file an opposition to plaintiffs'
18 request for attorneys' fees incurred in connection with the motion. No later than December 16,
19 2016, plaintiffs may file a reply. The matter of expenses shall thereafter stand submitted.

20 Dated: December 6, 2016

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23 CAROLYN K. DELANEY
24 UNITED STATES MAGISTRATE JUDGE

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