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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBIN LEE HOFFMANN,  
Plaintiff,  
v.  
CORNING POLICE DEPARTMENT, et  
al.,  
Defendants.

No. 2:14-cv-2736 MCE KJN P

ORDER

Plaintiff is a former county jail inmate, proceeding pro se. On October 18, 2017, plaintiff filed objections to the magistrate judge’s August 29, 2017 order, denying without prejudice defendants’ motion to exclude plaintiff’s expert witness, but requiring plaintiff to bear the costs of her expert’s deposition. The undersigned construes her filing as a request for reconsideration.

During the August 24, 2017 hearing on defendants’ motion, the magistrate judge addressed defendants’ motion in light of plaintiff’s failure to provide an expert report with her expert disclosure, as well as plaintiff’s failure to file an opposition to the motion. ECF No. 69 at 5. The magistrate judge offered to level the playing field by having plaintiff bear the costs of her expert’s deposition, rather than excluding the expert witness. “Plaintiff agreed.” ECF No. 69 at 5. Despite such agreement, on October 18, 2017, plaintiff filed an objection to the order to produce plaintiff’s expert witness for deposition at plaintiff’s expense. ECF No. 78. Plaintiff

1 claims that this is burdensome and prejudicial, and argues that Rule 26(b)(4) requires the other  
2 party to pay the expert a reasonable fee for the time spent in responding to discovery and also to  
3 pay the other party a fair portion of the fees and expenses it reasonably incurred in obtaining the  
4 expert's facts and opinions. ECF No. 78 at 2. Plaintiff claims she has acquired \$8,000 in credit  
5 card debt and has an outstanding balance of an additional \$7,000 to her expert, Dr. Lieberman,  
6 who recently raised the deposition fee by \$3,000, for a total of \$18,000 for the deposition by the  
7 defense. ECF No. 78 at 2.

8 Local Rule 303 provides:

9 Rulings by Magistrate Judges pursuant to this Rule shall be final if  
10 no reconsideration thereof is sought from the Court within fourteen  
11 (14) days calculated from the date of service of the ruling on the  
parties, unless a different time is prescribed by the Magistrate Judge  
or the Judge.

12 E.D. L.R. 303(b).

13 Here, plaintiff's request for reconsideration was filed 51 days after the magistrate judge  
14 issued his order on August 28, 2017. Plaintiff's request is untimely and is denied.

15 Accordingly, IT IS HEREBY ORDERED that plaintiff's objections (ECF No. 78),  
16 construed as a request for reconsideration, is DENIED.

17 IT IS SO ORDERED.

18 Dated: December 4, 2017

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20 MORRISON C. ENGLAND, JR.  
21 UNITED STATES DISTRICT JUDGE  
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