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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JUAN ESPINOZA

Plaintiff,

v.

CITY OF TRACY, et al.,

Defendants.

No. 2:15-cv-751-WBS-KJN

ORDER

Presently pending before the court is defendants' motion for discovery sanctions, which came on for hearing on February 1, 2018. (ECF No. 53.) At the hearing, attorney Russell Robinson appeared telephonically on behalf of plaintiff, and attorney Arlin Kachalia appeared in person on behalf of defendants. In both his declaration in opposition to the motion, as well as his representations at the hearing, Mr. Robinson largely conceded that he had not complied with his discovery obligations and, more specifically, with the court's prior December 15, 2017 order to provide certain discovery and disclosure materials.

After carefully reviewing the parties' written briefing (ECF Nos. 53, 54, 59), and for the reasons stated on the record at the hearing, IT IS HEREBY ORDERED that:

1. Defendants' motion for sanctions (ECF No. 53) is GRANTED IN PART and DENIED IN PART.

- 1 2. No later than February 8, 2018, plaintiff's counsel shall personally pay defendants'
2 counsel \$2,000.00 in monetary sanctions based on his failure to comply with his
3 discovery obligations and the court's December 15, 2017 order, requiring defendants
4 to resort to motion practice. Plaintiff's counsel shall not directly or indirectly attempt
5 to recover the amount of such sanctions from his client.
- 6 3. No later than February 6, 2018, plaintiff shall provide to defendants all supplemental
7 responses, documents, privilege logs, and amended initial disclosures that were
8 previously ordered produced in the court's December 15, 2017 order. (See ECF No.
9 52.)
- 10 4. Defendants' request for evidence preclusion sanctions is DENIED WITHOUT
11 PREJUDICE, subject to potential renewal at a later juncture if appropriate. Instead, in
12 an attempt to first impose lesser sanctions, the court imposes the above-mentioned
13 monetary sanctions and modifies the court's April 4, 2017 pretrial scheduling order
14 (ECF No. 47) to allow the following unilateral extensions for DEFENDANTS
15 ONLY:¹
- 16 a. Fact discovery shall be so conducted as to be completed by March 15, 2018.
- 17 b. Defendants' expert disclosures and reports in accordance with Federal Rule of
18 Civil Procedure 26(a)(2) shall be due February 27, 2018. With regard to expert
19 testimony intended solely for rebuttal, those experts shall be disclosed and
20 reports produced in accordance with Federal Rule of Civil Procedure 26(a)(2)
21 on or before March 20, 2018. Any expert depositions shall be completed by
22 April 9, 2018.
- 23 c. All other case deadlines remain unchanged.
- 24 5. Plaintiff is hereby cautioned that failure to strictly comply with the deadlines and
25 provisions of this order, failure to timely comply with discovery obligations, and/or

26 ¹ To the extent that plaintiff contends that an extension of any current case deadline applicable to
27 plaintiff is warranted, plaintiff shall first meet and confer with defendants in an attempt to seek an
28 appropriate stipulation for the court's consideration. If unsuccessful, plaintiff may then file an
 appropriate motion setting forth good cause for modification of the scheduling order.


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further undue delay of the action may result in the imposition of case-dispositive terminating sanctions.

6. Plaintiff's counsel shall serve a copy of this order on his client.

IT IS SO ORDERED.

Dated: February 2, 2018


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE