



1 On July 14, 2017, defendant filed a motion for leave to take additional depositions. (ECF  
2 No. 59.) Defendant noticed the motion for hearing before the undersigned on July 21, 2017.  
3 However, July 21, 2017, was not an available law and motion date. Nor did defendants' motion  
4 provided proper notice pursuant to Local Rule 251. Accordingly, on July 17, 2017, the hearing of  
5 defendants' motion was vacated.<sup>1</sup> (ECF No. 60.)

6 On July 21, 2017, defendants filed an affidavit claiming that they were "unable to secure  
7 the cooperation of counsel for Plaintiffs . . . in the preparation and execution of the required joint  
8 statement." (ECF No. 62 at 2.) That same day, defendants again filed a motion for leave to take  
9 additional depositions. (ECF No. 63.) Again, defendants noticed the motion for hearing before  
10 the undersigned on only seven days' notice.

11 Accordingly, on July 25, 2017, the undersigned issued an order continuing the hearing of  
12 defendants' motion to August 11, 2017. (ECF No. 64.) That order also advised defendants of the  
13 requirements of Local Rule 251. Moreover, the parties were ordered that on or before August 4,  
14 2017, the parties should file a joint statement or defense counsel should file an affidavit stating  
15 that, after a good faith effort, defense counsel was unable to secure the cooperation of plaintiffs'  
16 counsel in preparing a joint statement. (ECF No. 64.)

17 On August 4, 2017, the parties did not file a joint statement. Instead, each party filed a  
18 declaration essentially blaming the other party for their failure to file a joint statement. (ECF  
19 Nos. 65 & 67.) Moreover, the parties' briefing failed to adequately discuss the merits, or lack of  
20 merit, of defendants' request or the procedural issues relevant to defendants' request for leave to  
21 conduct eight additional depositions with an impending discovery deadline of August 14, 2017,  
22 and a class certification hearing on September 22, 2017.

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27 <sup>1</sup> Instead of re-noticing this motion for hearing, defendants filed another motion on July 21, 2017.  
28 (ECF No. 63.) Because the July 14, 2017 motion was neither withdrawn by defendants nor re-  
noticed, this order will also deny the July 14, 2017 motion without prejudice to renewal.

1 Accordingly, upon consideration of the arguments on file and those made at the hearing,  
2 and for the reasons set forth on the record at that hearing and above, IT IS HEREBY ORDERED  
3 that:

4 1. Defendants' July 14, 2017 motion for leave to take additional depositions (ECF No.  
5 59) is denied without prejudice to renewal; and

6 2. Defendants' July 21, 2017 motion for leave to take additional depositions (ECF No.  
7 63) is denied without prejudice to renewal.<sup>2</sup>

8 Dated: August 11, 2017

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11 DEBORAH BARNES  
12 UNITED STATES MAGISTRATE JUDGE  
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24 <sup>2</sup> If defendants intend to renew their motion, defendants should first consider, and if necessary  
25 obtain, a continuation of the discovery deadline and the class certification hearing. While the  
26 undersigned is permitted to modify the discovery deadline in this action, the undersigned may do  
27 so only to the extent any such modification does not impact the balance of the schedule.  
28 Moreover, if defendants renew their motion, or bring a future discovery motion, defense counsel  
shall carefully review and comply with Local Rule 251. Finally, the parties are cautioned that, if  
in a future discovery dispute before the undersigned the parties fail to file a joint statement the  
parties should be prepared to discuss the issue of sanctions for one or both attorneys at the hearing  
of the discovery dispute.