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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DUANE BEECHAM, KIMBERLY BEECHAM, S.Y.B., a minor by and through her co-guardians ad litem DUANE BEECHAM and KIMBERLY BEECHAM; OLIVER VERGARA, JENNIFER VERGARA, E.V., a minor by and through his co-guardians ad litem OLIVER VERGARA and JENNIFER VERGARA; and M.B., a minor by and through his guardian ad litem MANOJ HOTTASSERI,

Plaintiffs,

v.

ROSEVILLE CITY SCHOOL DISTRICT, THERESA VANWAGNER, GEORGE ROOKS, JERROLD JORGENSEN, and DOES 1-30,

Defendants.

No. 2:15-cv-1022-KJM-EFB

ORDER

This case is before the court on plaintiff Jennifer Vergara’s motion to quash subpoenas served by defendant Theresa Van Wagner on non-parties Catholic Healthcare West and Dignity Health.<sup>1</sup> ECF Nos. 83, 93. As argued by plaintiff Vergara, the subpoenas are untimely and must therefore be quashed.

<sup>1</sup> The court has determined that oral argument would not materially assist in the resolution of the motion, and the hearing noticed for May 24, 2017, is hereby vacated. E.D. Cal. L.R. 230(g).

1 A Status (Pretrial Scheduling) Order was issued on November 25, 2015, which provides  
2 that all discovery shall be completed by January 23, 2017. ECF No. 27 at 2. The order further  
3 provides that “‘completed’ means that all discovery shall have been conducted so that all  
4 depositions have been taken and any disputes relative to discovery shall have been resolved by  
5 appropriate order if necessary and, where discovery has been ordered, the order has been  
6 obeyed.” *Id.*

7 The subpoenas at issue were not served until April 2017, well after the deadline for  
8 completion of discovery. ECF No. 83-1 at 4-13. Consequently, the subpoenas issued by Van  
9 Wagner are untimely under the court’s scheduling order. *See nSight, Inc. v. PeopleSoft, Inc.*,  
10 2006 WL 988807, at \*3 (N.D. Cal. Apr. 13, 2006) (“Many courts have found that Rule 45  
11 subpoenas sought after the discovery cut-off are improper attempts to obtain discovery beyond  
12 the discovery period.”); *Crayton v. Rochester Medical Corp.*, 2010 WL 392341 (E.D. Cal. Jan 25,  
13 2010) (granting motion to quash a subpoena that was issued after the non-expert discovery  
14 deadline).

15 Accordingly, it is hereby ORDERED that:

- 16 1. Plaintiff Jennifer Vergara’s motion to quash (ECF No. 83) is granted;
- 17 2. The May 24, 2017 hearing on plaintiff Vergara’s motion to quash is vacated; and
- 18 3. Plaintiffs’ counsel’s request to appear telephonically at the May 24 hearing (ECF No.  
19 95) is denied as moot.

20 DATED: May 22, 2017.

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22 EDMUND F. BRENNAN  
23 UNITED STATES MAGISTRATE JUDGE  
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