

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
ESTATE OF JOSEPH ARLEO, et al.,
Defendants.

No. 2:15-cv-1239-JAM-KJN

ORDER

Presently pending before the court is defendants’ motion to compel discovery responses.
(ECF No. 52.)

The operative deadline set by the district judge to complete discovery was January 12, 2018. (ECF No. 34.) The term “complete” was defined to mean that “all discovery shall have been conducted so that all depositions have been taken and any disputes relative to discovery shall have been resolved by appropriate order if necessary and, where discovery has been ordered, the order has been complied with.” (ECF No. 12 at 4.) Therefore, defendants’ discovery motion is plainly untimely under the district judge’s scheduling order. If defendants wish for a discovery motion to be heard, they must first file an appropriate motion to modify the scheduling order before the district judge.

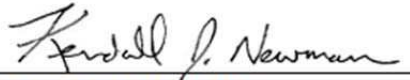
///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Accordingly, defendants' motion to compel (ECF No. 52) is DENIED WITHOUT
PREJUDICE as untimely.

IT IS SO ORDERED.

Dated: May 18, 2018


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE