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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALLIANZ SIGORTA, A.S.,  
Plaintiff,  
v.  
AMERITECH INDUSTRIES, INC., et al.,  
Defendants.

No. 2:15-cv-1665 MCE AC

ORDER

Pending before the court is the third amended motion of defendant Ameritech Industries, Inc., which seeks to compel “disassembly of the engine and component testing as necessary,” and certain data. ECF No. 43. For the reasons set forth below, the motion will be denied as untimely and for failure to comply with the court’s Local Rules, and the August 10, 2016 hearing will be vacated.

On July 1, 2016, defendant filed its motion to compel. ECF No. 33. The motion was defective in that it failed to notice the motion for hearing, although required to do so by E.D. Cal. R. (“Local Rule”) 251(a). The same day, defendant filed what appears to be the same defective motion. ECF No. 34.

On July 6, 2016, defendant amended the motion, and noticed it for hearing on August 3, 2016. ECF No. 39 (amended motion). On July 26, 2016, defendant further amended the motion, this time noticing it for hearing on August 17, 2016, nine days *after* the August 8, 2016 discovery

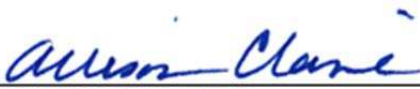
1 cutoff. ECF No. 12 (Pretrial Scheduling Order), 41 (second amended motion). Defendant did not  
2 request an extension of the discovery cutoff date. The motion was therefore defective, as it failed  
3 to comply with the discovery cutoff set forth in the court's Pretrial Scheduling Order. ECF  
4 No. 12 ¶ IV.

5 On August 10, 2016, two days after discovery cutoff, defendant further amended the  
6 motion, and again noticed it for hearing on August 17, 2016. ECF No. 43 (third amended  
7 motion). Although it is proper to notice a discovery motion for hearing seven days after its filing  
8 (assuming the motion is timely), this is permitted only if the Joint Statement is filed concurrently  
9 with the motion. Local Rule 251(a). This motion was therefore defective because it is untimely,  
10 having been filed after the close of discovery, and in addition, the Joint Statement was not filed  
11 concurrently, but rather was filed the next day (ECF No. 44).

12 For the reasons set forth above, IT IS HEREBY ORDERED that:

- 13 1. Defendant's Motion To Compel (ECF Nos. 33, 34, 43), is DENIED, without prejudice,  
14 as untimely;
- 15 2. The motion is also DENIED, without prejudice, for the further reason that it fails to  
16 comply with Local Rule 251(a); and
- 17 3. The August 10, 2016 hearing is VACATED.

18 DATED: August 12, 2016

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20 ALLISON CLAIRE  
21 UNITED STATES MAGISTRATE JUDGE  
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