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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DANIEL E. GONZALEZ,
Plaintiff,
v.
DEPARTMENT (BUREAU) OF REAL
ESTATE, et al.,
Defendants.

No. 2:15-cv-02448-TLN-GGH

ORDER

This matter is before the Court on Plaintiff Daniel Gonzalez’s (“Plaintiff”) Motion to Admit Deposition Excerpts from Prior Actions. (ECF No. 104.) Plaintiff seeks to admit two depositions from prior actions: the declarations of Narine Stepanyan and Kent Wyatt. (ECF No. 104-1 at 5.) The Court requested responses from Defendants. (ECF No. 114.) Defendants Kyle Jones, Tricia Sommers, Trudy Sughrue, Jeff Davi, Wayne Bell, William Moran, and John Van Driel (collectively “remaining Defendants”) filed a response. (ECF No. 116.) Defendant Narine Stepanyan filed a separate response. (ECF No. 115.)

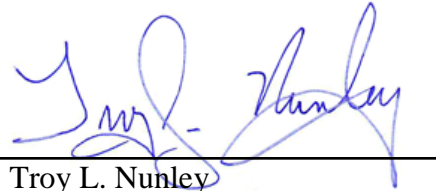
Defendant Stepanyan opposes the motion on the grounds that she has been dismissed from this action and thus her deposition would not fall within Federal Rule of Civil Procedure 32(a)(1). (ECF No. 115 at 3.) Additionally, Defendant Stapanyan asserts it is premature to determine whether the depositions are admissible under Federal Rule of Civil procedure 32(a)(2) through

1 (a)(8). (ECF No. 115 at 3.) As for the remaining Defendants, they state they have not seen the
2 depositions and have no way of responding to the motion without being able to examine the
3 depositions in whole. (ECF No. 116 at 1–2.)

4 The Court declines to discuss the merits of Defendant Stepanyan’s response because
5 Plaintiff’s failure to present the depositions to the remaining Defendants is fatal. Without
6 reviewing the depositions, Defendants cannot make a meaningful reply. Thus the Court must
7 deny Plaintiff’s motion. However, the motion is DENIED WITHOUT PREJUDICE. Plaintiff
8 shall provide copies of the entire depositions he seeks to admit to the Defendants. After such
9 disclosure, Plaintiff may refile and re-notice his motion before this Court. A full briefing
10 schedule will then result allowing Defendants time to oppose and Plaintiff an opportunity to
11 reply.

12 IT IS SO ORDERED.

13 Dated: April 17, 2018

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Troy L. Nunley
United States District Judge