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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

SCOTT JOHNSON,  
Plaintiff,  
v.  
SAIF ALI AHMED SALEH, et al.,  
Defendants.

No. 2:16-cv-0617-JAM-KJN

ORDER

Presently pending before the court is plaintiff's motion to compel initial responses to his requests for production of documents and interrogatories, accompanied by a request for sanctions. (ECF No. 12.) Defendants have opposed the motion. (ECF No. 13.) For the reasons discussed below, the motion is GRANTED IN PART.<sup>1</sup>

In their opposition, defendants do not dispute that they have not yet responded to plaintiff's written discovery requests. Instead, defendants note that in this case, unlike several other ADA cases filed by plaintiff in this district, the assigned district judge declined to stay and refer the action to mediation or the VDRP before permitting discovery, creating some confusion. Moreover, plaintiff filed the instant motion to compel one day after the district judge denied the requested stay. Nevertheless, defendants represent that they will complete discovery responses,

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<sup>1</sup> On the court's own motion and pursuant to Local Rule 230(g), the motion is submitted for decision without oral argument on the record and written briefing.

1 without objections, within 14 days.


2 In light of the above, defendants are ordered to serve their responses to plaintiff's written  
3 discovery, without objections, within 14 days of this order. However, no sanctions are  
4 appropriate under the circumstances presented here. Moreover, even though the district judge  
5 declined to formally stay the action, the court is troubled by the fact that plaintiff did not first  
6 pursue mediation or participation in the VDRP before commencing discovery, which only  
7 increases the attorneys' fees and costs involved in this action and impedes achievement of a  
8 potential settlement.

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. The November 3, 2016 hearing is VACATED.
- 11 2. Plaintiff's motion to compel (ECF No. 12) is GRANTED IN PART.
- 12 3. Within fourteen (14) days of this order, defendants shall serve on plaintiff complete  
13 responses, without objections, to the requests for production of documents and  
14 interrogatories at issue in this motion. In lieu of responding to certain corresponding  
15 discovery requests, defendants may execute the stipulation regarding financial  
16 wherewithal previously provided by plaintiff.
- 17 4. No sanctions are awarded.

18 IT IS SO ORDERED.

19 Dated: October 25, 2016

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22 KENDALL J. NEWMAN  
23 UNITED STATES MAGISTRATE JUDGE  
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