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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 ELENA TYURINA,

12 Plaintiff,

13 v.

14 URBANA TAHOE TC LLC., et al.,

15 Defendants.
16

No. 2:16-cv-0759 TLN DB

ORDER

17 On November 28, 2017, plaintiff filed a motion to compel depositions. (ECF No. 30.) In
18 connection with the noticed motion plaintiff filed a memorandum and declaration in support,
19 along with exhibits. (ECF Nos. 31 & 32.) Defendant filed an opposition, which included a
20 declaration and exhibits. (ECF Nos. 34 through 34-8.) However, Local Rule 251(c) provides that
21 briefing with respect to a discovery motion shall be done by way of a “Joint Statement re
22 Discovery Disagreement,” and that “[a]ll arguments and briefing that would otherwise be
23 included in a memorandum of points and authorities supporting or opposing the motion shall be
24 included in this joint statement, and no separate briefing shall be filed.”

25 Moreover, plaintiff’s motion to compel is noticed for hearing before the undersigned on
26 December 22, 2017. (ECF No. 30.) Discovery in this matter must be completed by December
27 29, 2017. (ECF No. 33.) “Completed,” in this context, “means that . . . all depositions have been
28 taken and any disputes relative to discovery shall have been resolved by appropriate order if

1 necessary and, where discovery has been ordered, the order has been obeyed.” (ECF No. 19 at 2.)

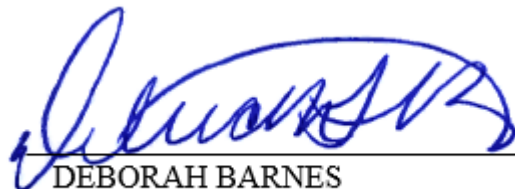
2 In this regard, there is not sufficient time remaining in the discovery period to hear
3 plaintiff’s motion, issue an order, and provide time for compliance. Plaintiff’s motion asks that
4 undersigned order that “[t]he deposition(s) of the persons most qualified . . . can be conducted up
5 to and including January 19, 2018.” (ECF No. 30 at 3.) However, that would require an
6 extension of the discovery deadline. Only the assigned District Judge can modify the discovery
7 deadline in this action.

8 Additionally, on December 14, 2017, the parties also filed a Joint Statement re Discovery
9 Disagreement. (ECF No. 35.) Pursuant to the undersigned’s Standard Information, parties must
10 meet prior to the filing of a discovery motion and “must again confer in person or via telephone
11 or video conferencing” prior to the filing of the joint statement. See
12 [http://www.caed.uscourts.gov/caednew/index.cfm/judges/all-judges/united-states-magistrate-](http://www.caed.uscourts.gov/caednew/index.cfm/judges/all-judges/united-states-magistrate-judge-deborah-barnes-db)
13 [judge-deborah-barnes-db](http://www.caed.uscourts.gov/caednew/index.cfm/judges/all-judges/united-states-magistrate-judge-deborah-barnes-db). It is not clear from reading the parties’ joint statement if the parties
14 again met and conferred after the filing of the motion but prior to the filing of the joint statement.

15 Accordingly, IT IS HEREBY ORDERED that:

- 16 1. Plaintiff’s November 28, 2017 motion to compel (ECF No. 30) is denied without
17 prejudice to renewal¹; and
18 2. The December 22, 2017 hearing of plaintiff’s motion is vacated.

19 Dated: December 19, 2017

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21 
22 DEBORAH BARNES
23 UNITED STATES MAGISTRATE JUDGE

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27 ¹ In this regard, if the time allotted for discovery in this action is extended, plaintiff may re-notice
28 a motion to compel for hearing before the undersigned. Any future motion to compel should
comply with the Local Rules and the undersigned’s Standard Information.