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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

BRIAN SPEARS,

Plaintiff,

v.

EL DORADO COUNTY C.P.S., et al.,

Defendants.

No. 2:16-CV-2655-TLN-DMC-P

ORDER

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the Court are the parties’ motions to modify the March 13, 2023, discovery and scheduling order. See ECF Nos. 56 and 61. Also pending are Plaintiff’s motions to compel. See ECF Nos. 57, 58, and 59.

As explained below, the parties’ motions to modify the schedule will be granted to allow additional time for the parties to meet and confer regarding the discovery which is the subject of Plaintiff’s motions to compel. Given the Court’s expectation that the meet-and-confer process will proceed in good faith, Plaintiff’s self-described “precautionary” motions to compel will be denied without prejudice to renewal if necessary.

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1 On March 13, 2023, the Court issued a schedule for this case directing that
2 discovery be completed by September 4, 2023. See ECF No. 55. The order further specified that
3 any motions necessary to compel discovery were to be filed by this date. See id. Dispositive
4 motions were due to be filed within 120 days thereafter. See id.

5 Plaintiff’s motion to modify the schedule was filed on August 31, 2023. See ECF
6 No. 56. Plaintiff seeks an order modifying the schedule to allow additional time to meet and
7 confer with defense counsel and file motions to compel further responses to discovery requests
8 which Plaintiff served between July 5 and 7, 2023. See id. Defendants do not oppose Plaintiff’s
9 motion to the extent it would allow the currently pending motions to compel, ECF Nos. 57, 58,
10 and 59, filed only a few days after the discovery completion deadline, to be deemed timely filed.
11 See ECF No. 60. In their motion to modify the schedule, Defendants seek an order allowing
12 additional time to meet and confer with Plaintiff and to obtain and produce documents responsive
13 to Plaintiff’s discovery requests. See id. Defendants also seek an order extending the dispositive
14 motion filing deadline. See id.

15 The parties’ requests to modify the schedule, which are presented in a spirit of
16 cooperation, are well-taken and will be granted. While it remains unexplained why Plaintiff
17 waited until July 2023 to serve the discovery requests at issue in the pending motions to compel,
18 Plaintiff nonetheless acted diligently in presenting his motion to modify the schedule prior to
19 expiration of the discovery completion deadline. Further, in the absence of a ruling from the
20 Court, Plaintiff also acted diligently in filing his motions to compel. Defense counsel’s non-
21 opposition to Plaintiff’s request demonstrates commendable cooperation.

22 Discovery will be re-opened for the limited purpose of allowing the parties
23 additional time to meet and confer regarding the outstanding discovery requests, and to allow
24 defense counsel to obtain and produce responsive discovery.

25 As to the outstanding discovery, which is the subject of Plaintiff’s motions to
26 compel, the Court notes that Plaintiff describes these motions as “precautionary.” See ECF Nos.
27 57, 58, and 59. Such is indeed the case given that the parties agree the meet-and-confer process
28 has not yet been completed, and based on defense counsel’s representation that a diligent search

1 for responsive discovery is ongoing. With the Court's expectation that the meet-and-confer
2 process will proceed in good faith, as well as the requirement under the local rules that this
3 process be completed before a motion to compel may be entertained, Plaintiff's pending motions
4 to compel will be denied as premature and without prejudice to renewal, if necessary, within the
5 time permitted in this order.

6 Accordingly, IT IS HEREBY ORDERED as follows:

7 1. The parties' motions to modify the March 13, 2023, discovery and
8 scheduling order, ECF Nos. 56 and 61, are GRANTED.

9 2. Discovery in this action is RE-OPENED with respect to the discovery
10 requests which are the subject of Plaintiff's motions to compel at ECF Nos. 57, 58, and 59.

11 3. The parties are directed to continue the meet-and-confer process as to the
12 discovery described above, such process to be completed no later than 90 days from the date of
13 this order.

14 4. Plaintiff's pending motions to compel, ECF Nos. 57, 58, and 59, are
15 DENIED as premature and without prejudice to renewal, if necessary following completion of the
16 meet-and-confer process ordered herein, no later than 120 days from the date of this order, which
17 shall be the final discovery completion deadline for this case.

18 5. Dispositive motions shall be filed no later than 180 days from the date of
19 this order, which shall be the final dispositive motion filing deadline for this case.

20 6. The Clerk of the Court is directed to terminate ECF Nos. 56, 57, 58, 59,
21 and 61 as pending motions.

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23 Dated: June 12, 2024



24 DENNIS M. COTA
25 UNITED STATES MAGISTRATE JUDGE
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