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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SCOTT JOHNSON,

Plaintiff,

v.

SIU KEUNG CHANG, et al.,

Defendants.

No. 2:17-cv-00138 KJM AC

ORDER

On December 29, 2017, plaintiff filed a motion to compel. ECF No. 18. The parties have failed to file a Joint Statement re Discovery Disagreement or an affidavit at least seven (7) days before the scheduled hearing. Although the first attachment to plaintiff's motion reads "Joint Stipulation," the document contains no statement whatsoever from defendants and is unsigned by defense counsel. ECF No. 18-1 at 9. This does not constitute a joint statement within the meaning of Local Rule 251(a).¹

¹ To the extent plaintiff intends to bring this discovery motion unilaterally, as indicated by the declaration of plaintiff's counsel Sara Gunderson (ECF No. 17-1 at 1) but in contrast to the statement in the motion itself indicating the motion is brought by joint stipulation (ECF No. 18-1 at 2), the court notes such an attempt would be improper. Local Rule 251(e) exempts a party from the joint statement requirement in discovery disputes only where there has been a complete and total failure of discovery or when the only relief sought is imposition of sanctions. Neither of these circumstances applies here, as is clear from the face of plaintiff's motion seeking supplemental responses to discovery, and from Ms. Gunderson's declaration.


1 Local Rule 251(a) provides that a Joint Statement re Discovery Disagreement must be
2 filed seven days preceding the noticed hearing date. The Local Rule further provides that “[t]he
3 hearing may be dropped from the calendar without prejudice” if the required briefing is not timely
4 filed. Finally, Local Rule 110 provides that failure to comply with the Local Rules “may be
5 grounds for imposition of any and all sanctions authorized by statute or Rule or within the
6 inherent power of the Court.”

7 Good cause appearing, IT IS HEREBY ORDERED that:

- 8 1. The motion hearing date of January 31, 2018 is CONTINUED to February 7,
9 2018, at 10:00 a.m. in Courtroom No. 26;
- 10 2. The Joint Statement required by Local Rule 251(a) is due on January 31, 2018; and
- 11 3. Counsel for both parties are cautioned that future failure to comply with the Local
12 Rules will result in monetary sanctions.

13 IT IS SO ORDERED.

14 DATED: January 25, 2018

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16 ALLISON CLAIRE
17 UNITED STATES MAGISTRATE JUDGE
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