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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TOM MARK FRANKS,
Plaintiff,
v.
J. CLARK KELSO, et al.,
Defendants.

No. 2:17-cv-1056 KJM CKD P

ORDER

Plaintiff has filed a motion titled “Motion to Re-Open Discovery.” Plaintiff asserts that he learned “months” after the discovery deadline passed that three potential witnesses in this case were questioned “on behalf of the defense” after the deadline for serving discovery requests passed. Plaintiff would like “any records of the questioning” and has submitted a proposed request for production of documents.

Good cause appearing, IT IS HEREBY ORDERED that plaintiff’s September 7, 2018 “Motion to Re-Open Discovery” (ECF No. 27) is granted only in the following respects:

1. Defendant shall submit a response to plaintiff’s “second request for production of documents” (ECF No. 28) to plaintiff within 30 days.
2. If defendant, in his response, asserts that certain materials are privileged as trial preparation material under Federal Rule of Civil Procedure 26(b)(3), defendant shall comply with the terms of Rule 26(b)(5).

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3. If plaintiff has grounds to challenge the defendant's response, he may file a motion to compel within 30 days of service thereof.

Dated: November 8, 2018



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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