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

ROBERT LENKNER, et al.,

Plaintiffs,

v.

COUNTY OF TEHAMA,

Defendant.

No. 2:17-CV-1839-JAM-DMC

ORDER

Plaintiffs, who are proceeding with retained counsel, bring this civil action. Pending before the court are defendant's motions to compel (Docs. 33, 34, 36, 37, 38, 39, 40, 41, 42, 43, 44, and 45). Plaintiffs failed to file any oppositions to the motions, which were submitted without oral argument. The following is a summary of defendant's unopposed motions:

Doc. 33 Motion to Compel Plaintiff Ken Ziu Thang's Responses to Interrogatories, Set One

Defendant served interrogatories on plaintiff Ken Ziu Thang on March 28, 2018. After receiving a two-week extension of time to respond, plaintiff provided unsigned unverified responses on May 18, 2018. On June 4, 2018, and June 20, 2018, defendant's counsel sent plaintiffs' counsel emails requesting a verification. On August 14, 2018, plaintiffs' counsel provided Mr. Thang's verification by email.

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On September 12, 2018, defendant’s counsel took plaintiff Thang’s deposition, at which time Mr. Thang was presented with a copy of his responses to defendant’s interrogatories and his signed verification. Plaintiff Thang testified he had never seen the interrogatories and that the signature on the verification was not his.

On September 14, 2018, and September 25, 2018, defendant’s counsel requested plaintiff’s verification. As of the filing of defendant’s motion on November 1, 2018, no verification had been received.

Defendant seeks an order compelling verified responses as well as \$292.50 in reasonable attorney’s fees and costs associated with bringing the motion.

Doc. 34 Motion to Compel Plaintiff Shannon F. Saetern’s Responses to Requests for Admissions, Set One

Defendant served requests for admissions on plaintiff Shannon F. Saetern on March 28, 2018. After receiving a two-week extension of time to respond, plaintiffs’ counsel notified defendant’s counsel on June 4, 2018, no responses had been received to date and, on June 7, 2018, plaintiffs’ counsel responded indicating he would “investigate the matter.”

On September 11, 2018, plaintiffs’ counsel informed defendant’s counsel responses had been sent to the wrong address and defendant’s counsel asked that plaintiffs’ counsel provide responses the following day at plaintiff Saetern’s deposition. The deposition occurred on September 12, 2018, but plaintiff did not produce responses as requested.

On September 14, 2018, defendant’s counsel sent a meet-and-confer letter requesting verified responses by September 24, 2018. On September 25, 2018, defendant’s counsel gave plaintiffs’ counsel an additional week to respond. As of the filing of defendant’s motion on November 1, 2018, no response had been received.

Defendant seeks an order compelling verified responses as well as \$292.50 in reasonable attorney’s fees and costs associated with bringing the motion.

Doc. 36 Motion to Compel Plaintiff John Alderton’s Appearance at His Deposition

On August 16, 2018, defendant served plaintiff a notice of deposition. The deposition was noticed for September 4, 2018. The parties agreed to continue the deposition, which was re-noticed for October 12, 2018. On October 10, 2018, plaintiffs’ counsel informed defendant’s counsel he was

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having a difficult time contacting Mr. Alderton and warned that Mr. Alderton may not attend. Defendant's counsel agreed to continue the deposition to October 26, 2018. Once again, plaintiffs' counsel informed defendant's counsel he was having a difficult time contacting Mr. Alderton and was not sure if he would attend. Plaintiff Alderton ultimately failed to appear for his re-noticed deposition on October 26, 2018.

Defendant seeks an order compelling plaintiff Alderton's attendance at his deposition. Alternatively, defendant seeks terminating sanctions. Defendant also seeks \$2,122.20 in reasonable attorney's fees and costs associated with bringing the motion.

Doc. 37 Motion to Compel Plaintiff Randolph Bilton's Responses to Requests for Production, Set One

On August 31, 2018, defendant served plaintiff Randolph Bilton with requests for production, set one. Plaintiff did not serve responses or seek additional time prior to the due date of October 4, 2018. On November 1, 2018, defendant's counsel contacted plaintiffs' counsel and requested discovery be provided by November 9, 2018. No responses had been received as of November 12, 2018, and defendant's counsel emailed plaintiffs' counsel regarding the outstanding discovery. As of the filing of defendant's motion on November 13, 2018, no responses had been received.

Defendant seeks an order compelling verified responses as well as \$390.00 in reasonable attorney's fees and costs associated with bringing the motion.

Doc. 38 Motion to Compel Plaintiff Connie Bilton's Responses to Requests for Production, Set One

On August 31, 2018, defendant served plaintiff Connie Bilton with requests for production, set one. Plaintiff did not serve responses or seek additional time prior to the due date of October 4, 2018. On November 1, 2018, defendant's counsel contacted plaintiffs' counsel and requested discovery be provided by November 9, 2018. No responses had been received as of November 12, 2018, and defendant's counsel emailed plaintiffs' counsel regarding the outstanding discovery. As of the filing of defendant's motion on November 13, 2018, no responses had been received.

Defendant seeks an order compelling verified responses as well as \$390.00 in reasonable attorney's fees and costs associated with bringing the motion.

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Doc. 39

Motion to Compel Plaintiff Bilton Family Revocable Trust's Responses to Requests for Production, Set One

On August 31, 2018, defendant served plaintiff Bilton Family Revocable Trust with requests for production, set one. Plaintiff did not serve responses or seek additional time prior to the due date of October 4, 2018. On November 1, 2018, defendant's counsel contacted plaintiffs' counsel and requested discovery be provided by November 9, 2018. No responses had been received as of November 12, 2018, and defendant's counsel emailed plaintiffs' counsel regarding the outstanding discovery. As of the filing of defendant's motion on November 13, 2018, no responses had been received.

Defendant seeks an order compelling verified responses as well as \$390.00 in reasonable attorney's fees and costs associated with bringing the motion.

Doc. 40

Motion to Compel Plaintiff Robert Lenkner's Responses to Requests for Production, Sets One and Two

On August 31, 2018, defendant served plaintiff Robert Lenkner with requests for production, set one. Plaintiff did not serve responses or seek additional time prior to the due date of October 4, 2018. On September 14, 2018, defendant served plaintiff Lenkner with requests for production, set two. Plaintiff did not serve responses or seek additional time prior to the due date of October 18, 2018.

On November 1, 2018, defendant's counsel contacted plaintiffs' counsel and requested discovery be provided by November 9, 2018. No responses had been received as of November 12, 2018, and defendant's counsel emailed plaintiffs' counsel regarding the outstanding discovery. As of the filing of defendant's motion on November 13, 2018, no responses had been received.

Defendant seeks an order compelling verified responses as well as \$390.00 in reasonable attorney's fees and costs associated with bringing the motion.

Doc. 41

Motion to Compel Plaintiff Ken Ziu Thang's Responses to Requests for Production, Set One

On August 31, 2018, defendant served plaintiff Thang with requests for production, set one. Plaintiff did not serve responses or seek additional time prior to the due date of October 4, 2018. On November 1, 2018, defendant's counsel contacted plaintiffs' counsel and requested discovery be provided by November 9, 2018. No responses had been received as of November 12, 2018, and defendant's counsel emailed plaintiffs' counsel regarding

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the outstanding discovery. As of the filing of defendant's motion on November 13, 2018, no responses had been received.

Defendant seeks an order compelling verified responses as well as \$390.00 in reasonable attorney's fees and costs associated with bringing the motion.

Doc. 42 Motion to Compel Plaintiff Shannon F. Saetern's Responses to Requests for Production, Set One

On August 31, 2018, defendant served plaintiff Saetern with requests for production, set one. Plaintiff did not serve responses or seek additional time prior to the due date of October 4, 2018. On November 1, 2018, defendant's counsel contacted plaintiffs' counsel and requested discovery be provided by November 9, 2018. No responses had been received as of November 12, 2018, and defendant's counsel emailed plaintiffs' counsel regarding the outstanding discovery. As of the filing of defendant's motion on November 13, 2018, no responses had been received.

Defendant seeks an order compelling verified responses as well as \$390.00 in reasonable attorney's fees and costs associated with bringing the motion.

Doc. 43 Motion to Compel Plaintiff Elizabeth Merry's Responses to Requests for Production, Set One

On August 31, 2018, defendant served plaintiff Merry with requests for production, set one. Plaintiff did not serve responses or seek additional time prior to the due date of October 4, 2018. On November 1, 2018, defendant's counsel contacted plaintiffs' counsel and requested discovery be provided by November 9, 2018. No responses had been received as of November 12, 2018, and defendant's counsel emailed plaintiffs' counsel regarding the outstanding discovery. As of the filing of defendant's motion on November 13, 2018, no responses had been received.

Defendant seeks an order compelling verified responses as well as \$390.00 in reasonable attorney's fees and costs associated with bringing the motion.

Doc. 44 Motion to Compel Plaintiff John Alderton's Responses to Requests for Production, Set One

On August 31, 2018, defendant served plaintiff Alderton with requests for production, set one. Plaintiff did not serve responses or seek additional time prior to the due date of October 4, 2018. On November 1, 2018, defendant's counsel contacted plaintiffs' counsel and requested discovery be provided by November 9, 2018. No responses

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had been received as of November 12, 2018, and defendant’s counsel emailed plaintiffs’ counsel regarding the outstanding discovery. As of the filing of defendant’s motion on November 13, 2018, no responses had been received.

Defendant seeks an order compelling verified responses as well as \$390.00 in reasonable attorney’s fees and costs associated with bringing the motion.

Doc. 45 Motion to Compel Plaintiff Aaron Standish Mathisen’s Responses to Requests for Production, Set One

On August 31, 2018, defendant served plaintiff Mathisen with requests for production, set one. Plaintiff did not serve responses or seek additional time prior to the due date of October 4, 2018. On November 1, 2018, defendant’s counsel contacted plaintiffs’ counsel and requested discovery be provided by November 9, 2018. No responses had been received as of November 12, 2018, and defendant’s counsel emailed plaintiffs’ counsel regarding the outstanding discovery. As of the filing of defendant’s motion on November 13, 2018, no responses had been received.

Defendant seeks an order compelling verified responses as well as \$390.00 in reasonable attorney’s fees and costs associated with bringing the motion.

Based on the declarations of defendant’s counsel supporting the motions outlined above, given plaintiff’s failure to oppose the motions, and good cause appearing therefor, defendant’s motions are granted. Plaintiffs shall provide verified responses to the discovery requests outlined above on or before December 14, 2018. Such responses shall be without objection, objections having been waived by plaintiffs’ failure to serve timely responses. The court further orders plaintiffs’ verifications each be notarized. Plaintiff John Alderton shall appear for his deposition on or before December 14, 2018.

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The court further awards \$5,827.20 in reasonable attorney's fees and costs. Plaintiffs are cautioned that failure to fully comply with this order may be grounds for terminating and/or other sanctions.

IT IS SO ORDERED.

Dated: December 6, 2018



DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE