

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CSPC DOPHEN CORPORATION,  
Plaintiff,  
v.  
ZHIXIANG HU,  
Defendant.

No. 2:17-cv-1895 MCE DB

ORDER

On May 17, 2019, plaintiff filed two motions to compel and noticed those motions for hearing before the undersigned on June 7, 2019, pursuant to Local Rule 302(c)(1). (ECF Nos. 195 & 196.) On May 31, 2019, plaintiff filed a Joint Statement re Discovery Disagreement with respect to each motion, along with a request to file documents under seal. (ECF Nos. 199-202.)

However, on September 12, 2017, the assigned District Judge issued an Initial Pretrial Scheduling Order, which provided that all discovery was to be completed within 365 days, i.e., by September 12, 2018. (ECF No. 5 at 2.) On May 29, 2018, defendant’s prior counsel’s motion to withdraw was granted by the assigned District Judge, and this matter was referred to the undersigned pursuant to Local Rule 302(c)(21). (ECF No. 68.)

Accordingly, on June 18, 2018, the undersigned issued a scheduling order setting January 18, 2019, as the deadline for the completion of discovery. (ECF No. 76 at 2.) The order explained that “‘completed’ means that all discovery shall have been conducted so that all

1 depositions have been taken and any disputes relative to discovery shall have been resolved by  
2 appropriate order if necessary and, where discovery has been ordered, the order has been  
3 complied with.” (Id.) On December 6, 2018, the undersigned issued an order granting the  
4 parties’ stipulation to continue the deadline for the completion of discovery to April 5, 2019.  
5 (ECF No. 134 at 4.) After defendant retained new counsel, this matter was referred back to the  
6 assigned District Judge pursuant to Local Rule 302(c)(21). (ECF No. 173.)

7 In this regard, discovery was open for over 18 months in this action and closed on April 5,  
8 2019—prior to plaintiff filing the motions to compel on May 17, 2019. Plaintiff’s motions,  
9 therefore, will be denied without prejudice to renewal in the event discovery in this action is later  
10 reopened.


11 Accordingly, IT IS HEREBY ORDERED that:

12 1. Plaintiff’s motions to compel filed May 17, 2019 (ECF Nos. 195 & 196) are denied  
13 without prejudice to renewal;

14 2. Plaintiff’s May 31, 2019 requests to file documents under seal (ECF Nos. 199 & 201)  
15 are denied without prejudice to renewal; and

16 3. The June 7, 2019 hearing of plaintiff’s motions is vacated.

17 Dated: June 3, 2019

18  
19  
20   
21 DEBORAH BARNES  
22 UNITED STATES MAGISTRATE JUDGE  
23

24 DLB:6  
25 DB\orders\orders.civil\cspc1895.disc.ut.ord  
26  
27  
28