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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 APPLE HILL GROWERS,
12 Plaintiff/Counter-
13 Defendant,

14 v.

15 EL DORADO ORCHARDS, INC., et al.,
16 Defendants/Counter-
17 Claimants.

No. 2:17-cv-02085-TLN-CKD

ORDER CONTINUING HEARINGS

(ECF Nos. 49, 50)

18 Upon reviewing the documents filed regarding plaintiff's Motion to Compel (ECF No. 49)
19 and defendants' Motion to Quash (ECF No. 50), see ECF Nos. 51 & 52, the court finds it
20 necessary to CONTINUE the 4/27/2022 hearing on these motions to 5/11/2022 and issues the
21 following ORDERS:

- 22 1. Based on defendants' representation that they had insufficient time to contribute to the
23 Joint Statement regarding plaintiff's Motion to Compel and that counsel have not met and
24 conferred on all aspects of this motion (ECF No. 51 at 6, 22), the court CONTINUES the
25 4/27/2022 hearing on plaintiff's Motion to Compel (ECF No. 49) to 5/11/2022 at
26 10:00AM (via Zoom).
- 27 2. The parties shall meet and confer on all aspects of plaintiff's Motion to Compel and if
28 unable to independently resolve the dispute, SHALL file an Amended Joint Statement by

1 5/2/2022.

2 a. Plaintiff's counsel shall provide defense counsel with her portion of the Amended
3 Joint Statement by 5:00 PM on 4/27/2022, and defense counsel shall return their
4 completed portion of the Amended Joint Statement by 5:00 PM on 4/29/2022 so
5 that plaintiff's counsel may make final revisions and file by 5/2/2022.

6 b. Any Amended Joint Statement shall also include, preferably as attached exhibits,
7 (A) copies of all written discovery requests and responses at issue and (B) the
8 documents defendants reference as Exhibits A-C in the current Joint Statement.

9 3. In order to aid the parties' further negotiations, the court offers the following
10 observations:

11 a. Given defendants' expressed willingness, it would be beneficial for defendants
12 Mason and Brad Visman to further amend their Interrogatory Verifications to
13 conform to plaintiff's desired wording;

14 b. Defendants Mason and Brad Visman should endeavor to produce before 4/22/2022
15 any and all documents responsive to the subject RFPs that do not require a
16 protective order; and

17 c. The court strongly encourages the parties to enter a Stipulated Protective Order to
18 ease production of sensitive materials in this case. The court is unaware of any
19 legal impediment to the entry of a two-tiered Stipulated Protective Order allowing
20 certain documents to be designated for "Attorneys' Eyes Only."

21 4. Defendants failed to file a Joint Statement regarding their Motion to Quash (ECF No. 50)
22 by the 4/13/2022 deadline. See L.R. 251(a) (making joint statement due 14 days before
23 scheduled hearing date). Normally, this would be grounds to deny the motion without
24 prejudice to renewal. Because the Motion to Quash relates to defendants' present
25 withholding of certain financial information requested in plaintiff's Motion to Compel,
26 however, the court will hear the matter in conjunction with the Motion to Compel.

27 5. Accordingly, the 4/27/2022 hearing on defendants' Motion to Quash (ECF No. 50) is
28 hereby CONTINUED to 5/11/2022 at 10:00AM (via Zoom).

1 6. If the parties are unable to independently resolve the dispute underlying the Motion to
2 Quash, the parties shall include their arguments regarding the Motion to Quash as part of
3 the above-described Amended Joint Statement to be filed by 5/2/2022.

4 a. Specifically, if defendants Mason and Brad Visman's responses or production in
5 response to the RFPs at issue in plaintiff's Motion to Compel should moot the
6 need to subpoena the documents at issue in the Motion to Quash, the parties shall
7 so state.

8 7. Finally, given the need to continue the hearing on these motions, the parties will also need
9 to request modification of at least the current 5/2/2022 Fact Discovery deadline (see ECF
10 No. 34). A stipulated proposed order to extend only discovery deadlines may be
11 submitted to the undersigned. A request to modify both discovery and dispositive motions
12 deadlines set in the Scheduling Order (ECF No. 29) must be directed to the assigned
13 District Judge.

14 Dated: April 14, 2022


CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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