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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

COLLEEN STEWART,

Plaintiff,

v.

PROPERTY AND CASUALTY
INSURANCE COMPANY OF
HARTFORD,

Defendant.

No. 2:17-cv-2418-TLN-KJN

ORDER

Presently pending before the court is defendant’s motion to compel discovery. (ECF No. 20.) At the November 29, 2018 hearing on the motion, attorney James Vorhis appeared on behalf of plaintiff, and attorney Ann Johnston appeared on behalf of defendant. After carefully considering the parties’ joint statement regarding the discovery disagreement (ECF No. 26) and the oral argument at the hearing, IT IS HEREBY ORDERED that:

1. Defendant’s motion to compel (ECF No. 20) is GRANTED on the terms outlined in this order.
2. Plaintiff shall produce her damages calculations, and supporting documentation, pursuant to Federal Rule of Civil Procedure 26(a) no later than December 21, 2018, at

1 12:00 p.m.

2 3. No later than December 21, 2018, at 12:00 p.m., plaintiff shall produce documents
3 responsive to Request for Production (“RFP”) Set One, Nos. 2, 3, 4, 5, 6, 7, 8, 9, 10,
4 and 11, and RFP Set Two, Nos. 15, 16, 17, 18, and 19, that are within plaintiff’s
5 possession, custody, or control, OR shall confirm via a supplemental response that all
6 responsive documents to a particular request have been produced or that no responsive
7 documents exist. To the extent that any documents were withheld based on privilege
8 or other legal basis, plaintiff shall serve a detailed privilege log no later than
9 December 21, 2018, at 12:00 p.m.


10 4. Plaintiff’s continued deposition shall take place on January 15, 2019, in Sacramento,
11 California, at an address to be determined and specified in the notice of continued
12 deposition.¹

13 5. No later than December 21, 2018, at 5:00 p.m., the parties shall file a brief joint status
14 report with the court indicating that all written discovery ordered above has been
15 produced and confirming the date of plaintiff’s deposition.

16 6. Defendant’s request for sanctions is denied without prejudice. However, plaintiff is
17 hereby cautioned that, absent a formal stay of the case entered by the district judge,
18 failure to timely comply with this order will result in the imposition of sanctions,
19 including monetary sanctions based on the instant motion and future motions,
20 potential evidentiary sanctions (such as potential inability to use at trial documents not
21 timely disclosed or produced), and/or dismissal of the action.

22 IT IS SO ORDERED.

23 Dated: November 30, 2018

24 
25 _____
26 KENDALL J. NEWMAN
27 UNITED STATES MAGISTRATE JUDGE

28 ¹ If necessary to accommodate a scheduling conflict, the parties shall meet and confer and may agree to conduct the deposition on a different mutually agreeable date in January 2019.