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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

STORZ MANAGEMENT COMPANY, a
California Corporation, and STORZ
REALTY, INC.,

Plaintiffs,

v.

ANDREW CAREY, an individual, and
MARK WEINER, an individual,

Defendants.

No. 2:18-cv-0068 DJC DB

ORDER

On April 17, 2023, defendants filed a motion for a protective order. (ECF No. 227.) On May 31, 2023, plaintiffs filed a motion to compel and a motion for sanctions. (ECF Nos. 231 & 232.) These motions are noticed for hearing before the undersigned on June 23, 2023, pursuant to Local Rule 302(c)(1). (ECF Nos. 233, 239 & 240.) In connection with those motions the parties have filed briefing that violates both the letter and the spirit of the Local Rules and the undersigned’s Standard Information.¹

In this regard, the undersigned’s Standard Information re discovery disputes found on to the court’s web page at <http://www.caed.uscourts.gov/caednew/index.cfm/judges/all->

¹ The parties’ poor conduct with respect to discovery is, sadly, not new. (ECF No. 222 at 10; ECF No. 229 at 2.)

1 [judges/united-states-magistrate-judge-deborah-barnes-db](#) explains that parties must meet and
2 confer prior to filing a discovery motion and “must again confer in person or via telephone or
3 video conferencing” prior to the filing of the Joint Statement. Here, on June 9, 2023, the parties
4 filed a Joint Statement in connection with defendants’ motion for a protective order. (ECF No.
5 234.) It does not appear from the Joint Statement that the parties met and conferred in person or
6 via telephone after the motion was filed but prior to filing the Joint Statement. (Id. at 3-8.) And
7 on June 9, 2023, and June 10, 2023, the parties filed documents styled “[Contested] Joint
8 Statement” which are not signed by defense counsel. (ECF Nos. 237 & 242.) The Local Rules
9 and the undersigned’s Standard Information allow for no such thing.²

10 The undersigned’s Standard Information also explains that joint statements filed before
11 the undersigned shall not exceed twenty-five pages, excluding exhibits.³ Here, the parties have
12 attempted to submit three joint statements for hearing on the same law and motion calendar.
13 Allowing parties to present multiple joint statements on the same calendar would serve to render
14 the page limitation meaningless. Going forward, the parties shall ensure that only one discovery
15 dispute is calendared for hearing before the undersigned on an available law and motion date.

16 Accordingly, IT IS HEREBY ORDERED that:

17 1. Defendants’ April 17, 2023 motion for protective order (ECF No. 227) is denied
18 without prejudice to renewal;

19 2. Plaintiffs’ May 11, 2023 motion to compel (ECF No. 231), amended on June 9, 2023,
20 (ECF No. 240), is denied without prejudice to renewal;

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22 ² Part of the parties’ dispute, apparently, concerns defendants’ assertion that plaintiffs filed only a
23 “Notice of Motion” and not a “Motion.” (ECF No. 237 at 2.) The parties are advised that, while
24 Local Rule 251(a) provides that a discovery motion may be heard by filing a “notice of motion
25 and motion,” Local Rule 251(c) explains that “[a]ll arguments and briefing that would be
26 included in a memorandum of points and authorities . . . shall be included in this Joint Statement,
27 and no separate briefing shall be filed.” In this regard, little more than a Notice of Motion is
28 required to put a discovery dispute on calendar and all of the parties’ written argument should be
found in the Joint Statement.

³ The parties are advised that title pages, tables of contents, tables of citations, etc., all count
toward the twenty-five-page limit.

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3. Plaintiffs' May 11, 2023 motion for sanctions (ECF No. 232), amended on June 9, 2023 (ECF No. 239) is denied without prejudice to renewal; and

4. The June 23, 2023 hearing of the parties' motions is vacated.

Dated: June 20, 2023



DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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