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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHELLE HILL, an individual, and
ARIEL EPSTEIN POLLACK, an
individual,

Plaintiffs,

v.

JETBLUE AIRWAYS CORPORATION, a
Delaware corporation,

Defendant.

No. 2:17-cv-1604 WBS DB

ERICKA BOHNEL, an individual, and
ROSA MARTINEZ, an individual,

Plaintiffs,

v.

JETBLUE AIRWAYS CORPORATION, a
Delaware corporation,

Defendant.

No. 2:18-cv-0081 WBS DB

ORDER

On March 30, 2021, plaintiffs filed motions to compel in these related actions and noticed the motions for hearing before the undersigned on April 23, 2021, pursuant to Local Rule 302(c)(1). On April 16, 2021, the parties filed Joint Statements re Discovery Disagreement

1 pursuant to Local Rule 251 in connection with those motions to compel. Review of the parties’
2 Joint Statements finds “the proverbial ‘dog’s breakfast’” of issues, arguments, and errors. Becker
3 v. Anglea, No. 2:19-cv-0013 KJM GGH P, 2020 WL 6058278, at *13 (E.D. Cal. Oct. 14, 2020).

4 In this regard, on February 2, 2021, the undersigned issued an order denying plaintiffs’
5 previously filed motions to compel without prejudice to renewal due to the parties’ failure to meet
6 and confer. (ECF No. 54.) Nonetheless, in the Joint Statements filed on April 16, 2021, the
7 parties dispute whether they have met and conferred over all the items at issue.

8 As to other items in dispute, it appears the parties have recently produced or agreed to
9 produce responsive discovery, some of which occurred just hours before the Joint Statements
10 were filed. Obviously, it is very challenging for the court to assist the parties in resolving
11 discovery disputes if the contours of those disputes continue to evolve.

12 Moreover, the February 2, 2021 order directed the parties to the undersigned’s Standard
13 Information re discovery disputes, referring the parties to the court’s web page at
14 [http://www.caed.uscourts.gov/caednew/index.cfm/judges/all-judges/united-states-magistrate-](http://www.caed.uscourts.gov/caednew/index.cfm/judges/all-judges/united-states-magistrate-judge-deborah-barnes-db)
15 [judge-deborah-barnes-db](http://www.caed.uscourts.gov/caednew/index.cfm/judges/all-judges/united-states-magistrate-judge-deborah-barnes-db). (ECF No. 54.) That document explains that joint statements filed
16 before the undersigned shall not exceed twenty-five pages, excluding exhibits.¹ See
17 [http://www.caed.uscourts.gov/caednew/index.cfm/judges/all-judges/united-states-magistrate-](http://www.caed.uscourts.gov/caednew/index.cfm/judges/all-judges/united-states-magistrate-judge-deborah-barnes-db)
18 [judge-deborah-barnes-db](http://www.caed.uscourts.gov/caednew/index.cfm/judges/all-judges/united-states-magistrate-judge-deborah-barnes-db). Here, each of the Joint Statements exceeds the undersigned’s twenty-
19 five-page limit.

20 In addition to plaintiffs’ requests for discovery, the parties’ dispute also concerns a request
21 by defendants that the undersigned extend the discovery deadline. Plaintiffs oppose this request.
22 However, the deadline for the completion of fact discovery is currently April 30, 2021. As
23 explained by the assigned District Judge, “[t]he word ‘completed’ means that all discovery shall
24 have been conducted so that all depositions have been taken and any disputes relevant to
25 discovery shall have been resolved by appropriate order if necessary and, where discovery has

26
27 ¹ The parties are advised that title pages, tables of contents, tables of citations, etc., all count
28 toward the twenty-five-page limit.

1 been ordered, the order has been obeyed.” (ECF No. 26 at 3.) There is not sufficient time to hear
2 plaintiffs’ motions to compel set for hearing on April 23, 2021, issue an order, and allow time for
3 compliance prior to the April 30, 2021 discovery deadline.

4 Finally, one aspect of the parties’ dispute concerns a discovery order issued in a related
5 case, “Phan.” Defendants argue that “Phan is not binding” on this court in these matters. And
6 defendants are correct. “[A] district court opinion . . . is not binding on any court beyond its use
7 in [the] case, and instead, is only valuable as persuasive authority.” Jewish War Veterans of the
8 United States of America, Inc. v. Mattis, 266 F.Supp.3d 248, 253 (D. D.C. 2017). It is also true
9 that the undersigned was the author of the opinion at issue in Phan. See Xuan Thi Phan v. JetBlue
10 Airways Corporation, No. 2:16-cv-2328 WBS DB, 2017 WL 6622707 (E.D. Cal. Dec. 28, 2017).

11 Accordingly, IT IS HEREBY ORDERED that:

- 12 1. Plaintiffs Hill and Esptein-Pollack’s March 30, 2021 motion to compel (ECF No. 58) is
13 denied without prejudice to renewal;
- 14 2. Plaintiffs Bohnel and Martinez’s March 30, 2021 motion to compel (ECF No. 53) is
15 denied without prejudice to renewal; and
- 16 3. The April 23, 2021 hearing is vacated.

17 Dated: April 19, 2021

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DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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