1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 **QUANTUM CAPITAL FUNDING** No. 2:18-cv-03279-WBS-KJN CORPORATION. 12 Plaintiff. 13 ORDER and ORDER TO SHOW CAUSE v. 14 (ECF No. 28) PDI GROUP, INC., et al., 15 Defendants. 16 Presently before the court is plaintiff's motion to compel initial disclosures from RG 17 Group, LLC and John F. Gehm, III ("defendants"). (ECF No. 28.) Defendants failed to respond 18 19 to plaintiff's motion. A telephonic hearing was held on June 18, 2020; Jaclyn Powel appeared for plaintiff, no defendant appeared personally or through counsel.² For the reasons that follow, the 20 21 court GRANTS plaintiff's motion. 22 Federal Rule of Civil Procedure 26(a)(1) requires that a party "must, without awaiting a discovery request, provide to the other parties: (i) the name and, if known, the address and 23 telephone number of each individual likely to have discoverable information—along with the 24 25 ¹ Jon F. Gehm, Jr. and PDI Group, Inc. are also named defendants in this action, but plaintiff's 26 motion to compel does not address them. 27 ² At the hearing, plaintiff's counsel represented that after defendants' counsel withdrew from this 28 matter, she attempted to contact defendants via email, mail, and telephone.

subjects of that information—that the disclosing party may use to support its claims or defenses..." and provide a copy or description of "all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses." Fed. R. Civ. P. 26(a)(1)(A)(ii). "If a party fails to make a disclosure required by Rule 26(a), any other party may move to compel disclosure and for appropriate sanctions." Fed. R. Civ. P. 37(a)(3)(A).

Here, the court ordered initial disclosures to be produced by February 1, 2020. (ECF No. 26.) Defendants have not provided initial disclosures to plaintiff, and defendants have not responded to plaintiff's meet and confer requests. (ECF No. 28-1 at 2.) The court rescheduled the hearing on this motion to compel because defendants' counsel withdrew from this case after the present motion was filed. (ECF No. 31.) And RG Group, LLC was admonished that under Local Rule 183(a), "[a] corporation . . . may appear only by an attorney." No attorney has entered on behalf of defendants, and defendants have still not responded to meet and confer requests or the present motion. (ECF No. 33.) Given defendants' continued failure to produce initial disclosures and their failure to follow court orders, plaintiff's motion to compel is GRANTED.

Plaintiff also requests attorneys' fees, pursuant to Federal Rule of Civil Procedure 37(a), of \$3,185.00 incurred by plaintiff in connection with bringing this motion and seeking initial disclosures. (ECF No. 28-2 at 3.) This amount is appropriate under the circumstances and is therefore awarded.

Finally, defendants are **ordered to show cause** for their failure to respond and failure to comply with court orders in this matter. More specifically, both defendants are to address why they failed to appear at the hearing on the present motion, why they failed to meet and confer with plaintiff's counsel, and why they failed to provide initial disclosures by the court-ordered deadline. Additionally, defendant RG Group, LLC shall address its failure to obtain counsel, as required by Local Rule 183(a), and defendant John F. Gehm, III shall address his efforts, if any, to obtain counsel. Defendants' failure to respond to this order shall constitute grounds for, and defendants' consent to, additional sanctions, including defaults and default judgments, to be entered against them.

Accordingly, it is HEREBY ORDERED that: 1. Defendants RG Group, LLC and John F. Gehm, III shall provide plaintiff with initial disclosures pursuant to Rule 26(a)(1) within twenty-one (21) days of this order. 2. Defendants RG Group, LLC and John F. Gehm, III are liable to plaintiff for \$3,185.00 in attorneys' fees incurred in connection with bringing this motion. Defendants RG Group, LLC and John F. Gehm, III shall show cause, in writing 3. and as outlined above, within twenty-one (21) days of this order. IT IS SO ORDERED. Dated: June 19, 2020 UNITED STATES MAGISTRATE JUDGE /3279.quantum.