

1 The purpose of discovery is to "remove surprise from trial preparation so the
2 parties can obtain evidence necessary to evaluate and resolve their dispute." United States v.
3 Chapman Univ., 245 F.R.D. 646, 648 (C.D. Cal. 2007) (quotation and citation omitted). Rule
4 26(b)(1) of the Federal Rules of Civil Procedure offers guidance on the scope of discovery
5 permitted:

6 Parties may obtain discovery regarding any nonprivileged information that
7 is relevant to any party's claim or defense and proportional to the needs of
8 the case, considering the importance of the issues at stake in the action, the
9 amount in controversy, the parties' relative access to relevant information,
10 the parties' resources, the importance of the discovery in resolving the
11 issues, and whether the burden or expense of the proposed discovery
12 outweighs its likely benefit. Information within this scope of discovery
13 need not be admissible in evidence to be discoverable.

14 Fed. R. Civ. P. 26(b)(1).

15 Under Rule 37 of the Federal Rules of Civil Procedure, "a party seeking discovery
16 may move for an order compelling an answer, designation, production, or inspection." Fed. R.
17 Civ. P. 37(a)(3)(B). The court may order a party to provide further responses to an "evasive or
18 incomplete disclosure, answer, or response." Fed. R. Civ. P. 37(a)(4). "District courts have 'broad
19 discretion to manage discovery and to control the course of litigation under Federal Rule of Civil
20 Procedure 16.'" Hunt v. County of Orange, 672 F.3d 606, 616 (9th Cir. 2012) (quoting Avila v.
21 Willits Env'tl. Remediation Trust, 633 F.3d 828, 833 (9th Cir. 2011)).

22 The party moving to compel bears the burden of informing the Court (1) which
23 discovery requests are the subject of the motion to compel, (2) which of the responses are
24 disputed, (3) why the party believes the response is deficient, (4) why any objections are not
25 justified, and (5) why the information sought through discovery is relevant to the prosecution of
26 this action. McCoy v. Ramirez, No. 1:13-cv-1808-MJS (PC), 2016 U.S. Dist. LEXIS 75435, 2016
27 WL 3196738, at *1 (E.D. Cal. June 9, 2016); Ellis v. Cambra, No. 1:02-cv-5646-AWI-SMS PC,
28 2008 U.S. Dist. LEXIS 24418, 2008 WL 860523, at *4 (E.D. Cal. Mar. 27, 2008).

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Plaintiff has not met the burden of showing that an order compelling discovery is required. Plaintiff does not contend that he ever served discovery requests upon Defendants, let alone that Defendants have incompletely responded or otherwise been evasive during discovery. See ECF No. 27 at 1–2. Without additional information as to why Defendant’s responses or productions are deficient, the Court finds that an order compelling discovery is unwarranted. Plaintiff’s motion to compel is **DENIED**.

IT IS SO ORDERED.

Dated: January 7, 2021



DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE