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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAROSLAW PACEK,

Plaintiff,

v.

TRAVELERS COMMERCIALS
INSURANCE COMPANY, et al.,

Defendants.

No. 2:22-cv-0714 MCE DB

ORDER

Plaintiff, proceeding through counsel, commenced this action on April 25, 2022, by filing a complaint and paying the applicable filing fee. (ECF No. 1.) On January 6, 2023, defendants filed a motion to compel and noticed the motion for hearing before the undersigned on January 20, 2023, pursuant to Local Rule 302(c)(1).¹ (ECF No. 19.) Defendants’ motion asserts that plaintiff completely and totally failed to respond to defendants’ first set of interrogatories and requests for production. (Id. at 1-2.) The motion seeks an order finding that plaintiff has waived all objections, compelling production within seven days, and ordering payment of sanctions in the amount of \$1,800. (ECF No. 19-2 at 2.) Defendants’ motion is supported by a declaration from counsel as well as exhibits. (ECF No. 19-1.)

¹ The undersigned finds defendants’ motion suitable for resolution without a hearing pursuant to Local Rule 230(g).


1 Pursuant to Local Rule 251(e) plaintiff was to file a response to the motion to compel on
2 or before January 13, 2023. Plaintiff did not do so. On January 16, 2023, defendants filed a reply
3 noting plaintiff's failure to file a response to the motion to compel. (ECF No. 21.) As of the date
4 of this order, plaintiff has not filed any response to defendants' filings.

5 After reviewing defendants' briefing, and given plaintiff's total failure to respond, the
6 undersigned finds good cause to grant defendants' motion.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. Defendants' unopposed January 6, 2023 motion to compel (ECF No. 19) is granted;
- 9 2. Within seven days of the date of this order plaintiff shall provide the responsive
10 discovery without objection;
- 11 3. Within seven days of the date of this order plaintiff's counsel shall pay defendants
12 sanctions in the amount of \$1,800²; and
- 13 4. The January 20, 2023 hearing of defendants' motion is vacated.

14 Dated: January 17, 2023

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17 DEBORAH BARNES
18 UNITED STATES MAGISTRATE JUDGE
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25 DLB:6
26 DB/orders/orders.civil/pacek0714.mtc.grnt.ord

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28 ² The payment of this sanction shall be borne exclusively by plaintiff's counsel and may not be
passed on to plaintiff.