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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MELISSA CISNEROS-VACA,

Plaintiff,

v.

SAN JOAQUIN COUNTY
CORRECTIONAL OFFICER LARA, et
al.,

Defendants.

No. 2:22-cv-1608-DAD-KJN

ORDER

(ECF No. 12.)

Defendants move to compel responses to certain requests for production of documents and interrogatories.¹ (ECF No. 12.) The discovery requests were served on plaintiff in June of 2023, and responses were served at the end of August. The parties conferred, as defendants contended plaintiff’s response to Interrogatory 16 was deficient, as plaintiff simply stated “objection, privacy.” Defendants also requested plaintiff provide a date certain for production of multiple documents where plaintiff’s response was that she “will produce all responsive and non-privileged documents in her possession.” As of the November 14 hearing, plaintiff had yet to supplement responses or provide any additional documents; plaintiff also failed to participate in the drafting of the joint statement, and counsel admitted the fault was his. (See ECF No. 13.)

¹ This matter was referred to the undersigned per Local Rule 302(c)(1).

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For the reasons discussed at the hearing, it is HEREBY ORDERED that:

1. Defendants’ motion to compel (ECF No. 12) is GRANTED. Specifically:
 - a. Plaintiff’s privacy objection to Interrogatory 16 is overruled;
 - b. Plaintiff shall supplement responses to Requests for Production 2-8 and Interrogatories 11 and 18, without objection (save for any attorney-client matters) within two weeks of this order;
 - c. The parties shall confer over whether a protective order is needed and, if so, shall submit this to the court for review (See Local Rule 141.1);
 - d. Given that defendants have already submitted subpoenas to multiple of plaintiff’s health care providers, plaintiff shall provide release authorizations for these providers, as well as any others identified in response to Interrogatory 16, within two weeks of this order;
2. Further, given that defendants’ motion was unopposed, and counsel admitted the failure was his, the court finds this failure is not substantially justified. Therefore, defendants’ motion for attorneys’ fees under Fed. R. Civ. P. 37(a)(5)(A) is GRANTED. Plaintiff’s counsel shall pay to defendants the sum of \$2,925 within two weeks of this order; counsel shall not pass these costs along to his client.

Dated: November 15, 2023


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

cisn.1608