

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
Northern District of California

LARY W. GREMP,

Plaintiff,

No. C 08-02303 MMC (MEJ)

v.

**DISCOVERY ORDER**

SARAH LITTLE,

Defendants.

---

On August 4, 2009, Plaintiff Lary Grempp and Defendants Patrick Taylor and Glenn Van Schaack (collectively, “the State Defendants”) filed a joint letter regarding a discovery dispute centering on the State Defendants’ responses to contention interrogatories that Plaintiff propounded. (Dkt. #103.) Plaintiff contends that the interrogatories require the State Defendants to “state those facts, if any, which they rely upon that 1) there was probable cause to arrest Lary Grempp; and 2) Grempp forged documents.” (*Id.* at 1.)

The State Defendants oppose Plaintiff’s request on two grounds. First, they contend that Plaintiff’s request is untimely because the deadline for bringing a motion to compel discovery was June 23, 2009 - a week after the cut-off for fact discovery. (*Id.* at 2.) Second, the State Defendants contend that the information Plaintiff seeks in his interrogatories is irrelevant because the State Defendants, who were State employees of the Department of Food & Agriculture, did not act or fail to act on probable cause. (*Id.* at 2-3.) Rather, the State Defendants argue that it was the sheriff’s investigators, prosecutors, and superior court judge who made the probable cause determination. (*Id.*) Thus, the State Defendants urge the Court to deny Plaintiff’s request to compel production.

The Court has carefully considered the parties’ arguments and reviewed the attached document. The Court finds the State Defendants’ arguments to be well-taken. Not only is Plaintiff’s

1 request untimely, but the State Defendants have already sufficiently answered Plaintiff's  
2 interrogatories. As the State Defendants point out, they did not make a probable cause  
3 determination and their Response so indicates. Accordingly, the Court **DENIES** Plaintiff's request  
4 to compel answers to his contention interrogatories.

5 **IT IS SO ORDERED.**

6  
7 Dated: August 20, 2009

8   
9 \_\_\_\_\_  
10 Maria-Elena James  
11 Chief United States Magistrate Judge  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28