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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES ELLIS JOHNSON,
Plaintiff,
v.
UNITED STATES OF AMERICA, et al.,
Defendants.

Case No. [13-cv-02405-JD](#)

**ORDER ON DEFENDANT’S
ADMINISTRATIVE MOTION**

Re: Dkt. Nos. 123, 125

The United States filed an administrative motion requesting authorization to answer Mr. Johnson’s surviving claims and to immediately begin discovery by subpoenaing Mr. Johnson’s VA medical records and noticing his deposition. Dkt. No. 123. Mr. Johnson opposes the United States’ request to subpoena his medical records.¹ Dkt. No. 125.

As an initial matter, the Court advises both parties that all filings must comply with this Court’s standing orders. The Court’s Standing Order for Discovery In Civil Cases provides that all discovery disputes must be raised with the Court in a letter no longer than three pages, which may be filed only after the parties have met and conferred in person. While the Court will consider the parties’ discovery dispute this time, it will not do so again if they do not comply with the Standing Order.

The United States filed an answer to Mr. Johnson’s surviving claims before the Court had an opportunity to rule on this motion. Dkt. No. 124. Mr. Johnson subsequently filed an amended complaint, which re-alleges the OBR claim that was previously dismissed without prejudice on grounds of failure to exhaust. Dkt. No. 126. The Court will allow the United States’ answer to

¹ Mr. Johnson also opposes the United States’ notice of deposition, which is addressed in the Court’s order dated August 4, 2014, Dkt. No. 130.

1 Mr. Johnson's surviving claims for assault, battery, false imprisonment, and intentional infliction
2 of emotional distress. If Mr. Johnson's OBR claim survives the United States' pending motion to
3 dismiss, (Dkt. No. 129), the United States may file an amended answer.

4 With respect to discovery of Mr. Johnson's medical records, the Court does not have
5 sufficient information about the medical records sought and the scope of the proposed subpoena.
6 If the United States still wants to pursue these records, it is directed to file by August 11, 2014, a
7 3-page letter brief attaching the proposed subpoena and explaining why the scope of the
8 subpoenaed medical records is appropriate and tailored to the issues in this case.

9 **IT IS SO ORDERED.**

10 Dated: August 4, 2014

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12 _____
13 JAMES DONATO
14 United States District Judge

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Case No. [13-cv-02405-JD](#)

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 8/4/2014, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

James Ellis Johnson
1819 Golden Gate Avenue, #12
San Francisco, CA 94115

Dated: 8/4/2014

Richard W. Wieking
Clerk, United States District Court

By: *Lisa R. Clark*
LISA R. CLARK, Deputy Clerk to the
Honorable JAMES DONATO