

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOEL DAVID KAUFMAN,  
Plaintiff,  
v.  
M. E. SPEARMAN, et al.,  
Defendants.

Case No. [15-cv-02777-JD](#)**ORDER ON MOTIONS**

Re: Dkt. Nos. 57, 59

Plaintiff, a state prisoner, proceeds with a pro se civil rights complaint under 42 U.S.C. § 1983. Plaintiff has filed a motion for a hearing regarding a defendant's alleged perjury in admissions and interrogatories. Plaintiff did not confer with defendants' counsel about the allegations, and has not explained the relief he seeks or why is he entitled to Court intervention. The motion for a hearing is denied.

Plaintiff has also filed a motion with the Court about discovery requests. Plaintiff is advised that the Court becomes involved in discovery when there is a dispute between the parties. Discovery requests and responses normally are exchanged between the parties without a copy sent to the court. *See* Fed. R. Civ. P. 5(d) (listing discovery requests and responses that "must not" be filed with the court until they are used in the proceeding or the court orders otherwise). Only when the parties have a discovery dispute that they cannot resolve among themselves will the court intervene in the discovery process. To promote the goal of addressing only atypical disagreements (rather than becoming an overseer of all discovery), the Court requires that the parties meet and confer to try to resolve their disagreements before seeking court intervention. *See* Fed. R. Civ. P. 37(a); N.D. Cal. Local Rule 37. Where, as here, one of the parties is a prisoner, the Court does not require in-person meetings and instead allows the prisoner and defense counsel to

1 meet and confer by telephone or exchange of letters. Although the format of the meet-and-confer  
2 process changes, the substance of the rule remains the same: the parties must engage in a good  
3 faith effort to meet and confer before seeking court intervention in any discovery dispute.

4 **CONCLUSION**


5 1. Plaintiff's motion for a hearing (Docket No. 57) and motion for discovery (Docket No.  
6 59) are **DENIED**.

7 2. Plaintiff has returned three document subpoenas for the Court to serve. The Clerk shall  
8 sign the appropriate portions and provide the subpoenas to the United States Marshal who shall  
9 serve, without prepayment of fees, the subpoenas on the defendant listed on each subpoena.

10 **IT IS SO ORDERED.**

11 Dated: April 3, 2017

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JAMES DONATO  
United States District Judge

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**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 April 3, 2017, 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.

Joel David Kaufman  
AT3133  
P.O. Box 705  
Soledad, CA 93960

Dated: April 3, 2017

Susan Y. Soong  
Clerk, United States District Court

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