

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

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ADRIAN JOHN, SR., *et al.*,
Petitioners,

v.

AGUSTIN GARCIA, *et al.*,
Respondents.

No. C 16-02368 WHA

**ORDER CONTINUING STAY
OF HEARING PENDING
MEDIATION AND DENYING
REQUEST FOR DISCOVERY**

The Court is in receipt of the parties' joint status report and request to further stay the hearing on respondents' motion to dismiss pending mediation on June 30 (Dkt. No. 64 at 2). The request is **GRANTED**. The parties shall please submit another joint status report updating the Court on the progress of mediation by **JULY 3 AT NOON**. Further continuances past July 3 are unlikely to be granted.

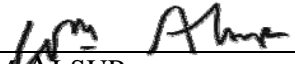
Additionally, the Court has reviewed petitioners' submission titled, "Supplemental Materials and Request for Discovery" (Dkt. No. 60). Statements in passive tense like "Ms. Steele was recently denied use of the Elem PRC Program because she was deemed ineligible" and "Ms. Steele was informed that she was not eligible for the Elem PRC Program" beg key questions like *who* denied her use of the program and informed her that she was ineligible (*see id.* at 5). Even the declaration itself suffers from the same defects, setting forth unhelpful statements like "I was told that these expenses needed to be reimbursed directly by the Tribe" and "I was denied access [to a tribal meeting]" (*see id.* at 99, 101).

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

It is unfair to the judge to make these non-specific statements, with citations to similarly non-specific declarations buried in a hundred-page-plus combined document, and expect the judge to surmise factual details that should be plainly set forth in petitioners' request. The Court is not convinced at this time that further discovery is warranted. Petitioners' request is therefore **DENIED** without prejudice to their renewing it at a later time. If the request is renewed, however, it should be written in active voice and should clearly set forth complete and accurate citations to supporting evidence.

IT IS SO ORDERED.

Dated: May 16, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE