

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SENECA SMITH,
Plaintiff,
vs.
AUTOZONE, INC., and DOES 1-100,
Defendants.

Case No.: 12-cv-06438-YGR

**ORDER REGARDING JOINT DISCOVERY
DISPUTE LETTER (Dkt. No. 20)**

AUTOZONE, INC., and DOES 1-100,
Defendants.

The parties have filed a joint letter brief in which Defendant seeks to compel discovery responses and Plaintiff's attendance at his deposition. In addition, if the Court elects not to continue the parties' deadline for filing a summary judgment motion beyond the current date of October 29, 2013, Defendant requests sanctions in the form of Plaintiff being prohibited from submitting (i) documents or evidence that should have been produced in response to discovery and (ii) testimony that would have been the subject of deposition questioning. The Court will address each issue in turn.

Defendant has served Plaintiff with special interrogatories and requests for production, to which Plaintiff served no objections or responses, despite numerous extensions. As to Defendant's request to compel responses to this discovery, the request is **GRANTED**. Plaintiff has waived his objections by failing to timely respond. Plaintiff is hereby **ORDERED** to provide complete written responses to Defendant's special interrogatories and requests for production by November 1, 2013.

Next, Defendant seeks to compel Plaintiff's attendance at his deposition. While Plaintiff objected to the deposition notice by stating that he was then seeking new counsel and that current

1 counsel intended to file a motion to withdraw, this is not a valid objection. Defendant's request to
2 compel Plaintiff's attendance at his deposition is **GRANTED**. The Court **ORDERS** Plaintiff to appear
3 at a deposition to occur no later than November 1, 2013.

4 Finally, the Court hereby **CONTINUES** the deadline to file a summary judgment motion to
5 November 26, 2013. In light of this extension, Defendant's request for sanctions is moot.

6 Plaintiff is cautioned that failure to comply with this Court's Order may result in evidentiary
7 sanctions that could affect future proceedings in this case. Plaintiff's counsel is reminded that their
8 duties and obligations to Plaintiff continue *until this Court enters an order* approving their
9 withdrawal as counsel.

10 This Order terminates Dkt. No. 20.

11 **IT IS SO ORDERED.**

12 Dated: October 15, 2013


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE

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