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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN DOE,

Plaintiff,

v.

CITY AND COUNTY OF SAN
FRANCISCO, et al.,

Defendants.

Case No. 16-cv-06950-KAW

**ORDER DENYING MOTION TO
QUASH**

Re: Dkt. No. 39

On June 20, 2017, Plaintiff John Doe filed a motion to quash Defendants' subpoenas for medical records, and to require that Defendants turn over any medical records that had been produced to them. (Plf.'s Mot., Dkt. No. 39.) On July 5, 2017, Defendants filed an opposition, stating that Plaintiff's motion was moot because Defendants had withdrawn the subpoenas at issue, and had not obtained any medical records prior to withdrawal of the subpoenas. (Defs.' Opp'n, Dkt. No. 41.) Plaintiff did not file a reply.

The Court deems the matter suitable for disposition without hearing pursuant to Civil Local Rule 7-1(b) and VACATES the hearing currently set for August 3, 2017. Having considered the papers filed by the parties and the relevant legal authority, the Court DENIES the motion as moot because Defendants have already withdrawn the subpoenas and have no medical records to turn over.

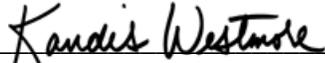
In their opposition, Defendants express frustration with the discovery process and Plaintiffs' alleged refusal to engage in a meaningful meet and confer process. (Defs.' Opp'n at 6.) Defendants request that the Court appoint a discovery referee to resolve future discovery disputes. (*Id.* at 7.) The Court DENIES Defendants' request at this time, but will reiterate that all parties, including Plaintiff, have an obligation to meet and confer in good faith with respect to any

United States District Court
Northern District of California

1 discovery disputes. While Plaintiff is *pro se*, Plaintiff is still required to comply with the Court's
2 rules and standing order, as well as his own discovery obligations. Failure to do so may result in
3 sanctions for failure to cooperate in the discovery process, including monetary, evidentiary, or
4 terminating sanctions, pursuant to Federal Rule of Civil Procedure 37. *See Gordon v. Cty. of*
5 *Alameda*, No. CV-06-2997-SBA, 2007 WL 1750207, at *2 (N.D. Cal. June 15, 2007) ("Federal
6 Rule of Civil Procedure 37 provides for sanctions available for failure to make disclosures or
7 cooperate in discovery. Under Rule 37(b)(2)(C), if a party fails to obey an order to provide
8 discovery, the court may dismiss the action or proceeding in whole or in part"); *In re Pryor*, 543
9 Fed. Appx. 685, 685 (9th Cir. 2013) (finding that the bankruptcy court did not abuse its discretion
10 in directing entry of default based on the party's willful failure to attend a status conference,
11 cooperate in the discovery process, and timely respond to the court's order to show cause).

12 IT IS SO ORDERED.

13 Dated: July 24, 2017

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16 KANDIS A. WESTMORE
17 United States Magistrate Judge
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