

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

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISION

JEROME A BEARDEN,
Plaintiff,
v.
ALAMEDA COUNTY, et al.,
Defendants.

Case No. 18-cv-02495-JSW (RMI)

**ORDER GRANTING DEFENDANTS’
REQUEST TO DENY MOTION AS
IMPROPERLY FILED AND DENYING
PLAINTIFF’S MOTION TO COMPEL
DISCOVERY.**

Re: Dkt. Nos. 94, 95

Pending before the court is the Discovery Letter Brief filed by Plaintiff Bearden containing a motion to: extend discovery and the trial date by 45 days; compel Ms. Donna Ziegler to attend the deposition; and for the court to impose sanctions against Defendants Alameda County and Alameda County Probation Department (dkt. 94). Defendants have also filed a Discovery Letter Brief that serves as a response to Plaintiff’s Brief and Motion to deny his Brief as improperly filed (dkt. 95). Pursuant to Federal Rule of Civil Procedure 26 and the undersigned’s Standing Order No. 13(a), the court hereby GRANTS Defendants’ request to deny Plaintiff’s motion as improperly filed, and DENIES Plaintiff’s motion.


The court finds that Plaintiff has failed to follow the proper procedures prior to and in filing his letter brief. Rule 26(f)(2) requires that the parties meet and confer in a good faith attempt to agree on a proposed discovery plan prior to filing a motion to compel discovery. Fed. R. Civ. P. 26(f)(2). Additionally, pursuant to the undersigned’s Standing Order, Section No. 13(a), parties are required to attempt to confer on issues of discovery disputes, and after attempting to confer, within five (5) business days “the parties shall file a detailed *joint* letter” that will “include a description of every issue in dispute, and a detailed summary of each party’s final position on each

1 issue.” *See* General Standing Order, Section No. 13(a) (effective Aug. 12, 2019) (emphasis
2 added). Plaintiff has failed to follow any of these required procedures. In addition, Plaintiff’s
3 request to extend the discovery and trial deadlines are not properly filed before the undersigned,
4 and should be presented to Judge White.

5 Accordingly, Defendants’ motion (dkt. 95) to deny Plaintiff’s motion (dkt. 94) as
6 improperly filed is **GRANTED** and Plaintiff’s motion is **DENIED**.

7 **IT IS SO ORDERED.**

8 Dated: September 3, 2020

9
10 
11 _____
12 ROBERT M. ILLMAN
13 United States Magistrate Judge
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28