

1 **\*\* E-filed December 22, 2009 \*\***

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7 NOT FOR CITATION  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,

No. C06-03278 JW (HRL)

12 Plaintiff,

**ORDER GRANTING PLAINTIFF'S  
MOTION TO COMPEL**

13 v.

**[Re: Docket No. 34]**

14 2002 TOYOTA 4-RUNNER, VIN  
15 JT3HN86R520373938, CALIFORNIA  
16 LICENSE NUMBER 7D09084, et al.,

Defendants.

17 \_\_\_\_\_  
18 Pong Lin Liu was indicted in 2005 for conspiracy to distribute controlled substances and  
19 other offenses. Plaintiff United States then brought this in rem action for the forfeiture of property  
20 that plaintiff alleges are Liu's proceeds from drug trafficking or are otherwise involved with drug  
21 trafficking and money laundering. Plaintiff now moves to compel discovery from Pong Lin Liu and  
22 his sister, Lillian Liu, both claimants to the defendant property. No opposition to plaintiff's motion  
23 was filed. Pursuant to Civil Local Rule 7-1(b), the court finds the matter suitable for determination  
24 without oral argument, and the December 29, 2009 hearing is vacated.

25 **DISCUSSION**

26 In August 2006, the United States served the Lius with separate sets of interrogatories that  
27 sought, inter alia, additional information about the defendant property and their interests therein.  
28 Plaintiff also served Pong Lin Liu with document requests for banking, tax, and other records that  
may support his assertion that some of the defendant property is not subject to forfeiture. However,

1 these discovery responses went unanswered. In October 2008, Pong Lin Liu was convicted of drug  
2 trafficking. Shortly thereafter, the United States obtained a default judgment against the defendant  
3 property, but it was set aside in June 2009. (Docket No. 31.) Plaintiff then re-served its  
4 interrogatories and requests for production on September 18, 2009, but, it says, still has received no  
5 response.

6 Pursuant to the Federal Rules of Civil Procedure, responses to plaintiff's discovery requests  
7 were due within thirty days. Fed. R. Civ. P. 33(b)(2), 34(b)(2)(A). Accordingly, responses to the  
8 re-issued discovery were due over two months ago. A review of plaintiff's interrogatories and  
9 requests for production indicate that they are relevant and appropriate under the circumstances of  
10 this case, and the Lius have not offered any excuse for their delay.

11 The United States also argues that the Lius' delay waived any objections. Absent a showing  
12 of good cause, "[i]t is well established that a failure to object to discovery requests within the time  
13 required constitutes a waiver of any objection." *Richmark Corp. v. Timber Falling Consultants*, 959  
14 F.2d 1468, 1473 (9th Cir. 1992) (citing *Davis v. Fendler*, 650 F.2d 1154, 1160 (9th Cir. 1981)). As  
15 noted above, the Lius have not provided the court with any rationale for their delay, let alone one  
16 that might support a finding of good cause. Thus, they have waived their objections as to the  
17 discovery requests at issue in this motion.

18 **CONCLUSION**

19 Based on the foregoing, plaintiff's motion to compel is GRANTED. Pong Lin Liu and  
20 Lillian Liu shall provide complete responses by January 8, 2010.

21 **IT IS SO ORDERED.**

22 Dated: December 22, 2009

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24 \_\_\_\_\_  
25 HOWARD E. LLOYD  
26 UNITED STATES MAGISTRATE JUDGE  
27  
28

1 **C 06-03278 Notice will be electronically mailed to:**

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5 **Counsel are responsible for distributing copies of this document to co-counsel who have not**  
6 **registered for e-filing under the court's CM/ECF program.**

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