

1 because the they were postmarked January 30, 2010. Defendants did not assert any other objections
2 in their responses, stating only that they “reserve all other objections.” Rather than moving to
3 compel, Plaintiff filed a application for a retroactive one day extension to serve his discovery. On
4 February 22, 2010, this court issued an order finding Plaintiff’s application moot because service
5 was effective on the date he mailed the requests, not the postmark date.² Despite the court’s ruling
6 that the requests had been timely served, Defendants waited almost another month to serve
7 supplemental responses on Plaintiff. In their supplemental responses, they belatedly attempted to
8 assert objections that had not been included in their prior responses. At no time did Defendants seek
9 any extension of time for responding to Plaintiff’s discovery requests.

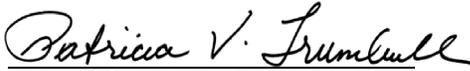
10 In opposing Plaintiff’s argument that Defendants waived all objections that they had not
11 timely asserted in response to the discovery requests, Defendants again claim that they somehow
12 “reserved” those objections. Defendants cite no legal authority for this baseless contention. On the
13 contrary, both the rules and the case law interpreting them make clear that *all* objections must be
14 timely asserted, and may not be unilaterally “reserved.” *See* Fed.R.Civ.Pro. 33(b)(4) (“Any ground
15 not stated in a timely objection is waived unless the court, for good cause, excuses the failure”),
16 34(b)(2)(B) (“ . . . or state an objection to the request, including the reasons”) & 36(a)(5) (“The
17 grounds for objecting to a request must be stated.”); *see also Safeco Ins. Co. of America v.*
18 *Rawstrom*, 183 F.R.D. 668, 671-72 (C.D.Cal. 1998) (“Objections not interposed in a timely initial
19 response may not be held in reserve”) and *Richmark Corp. v. Timber Falling Consultants*, 959 F.2d
20 1468, 1473 (9th Cir. 1992) (“It is well established that a failure to object to discovery requests within
21 the time required constitutes a waiver of any objection”).

22 IT IS FURTHER ORDERED that, to the extent they have not yet done so, no later than
23 August 3, 2010, Defendants shall supplement their responses to respond to Plaintiff’s discovery
24 requests, including all responsive information reasonably available to them. Each Defendant must
25 serve a separate response to each discovery request propounded to that Defendant, *including* the
26 requests for admission. While a request might be phrased “collectively,” it is not a foregone
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28 ² *See* FED.R.CIV.P. 5(b)(2)(C); *see also, Larez v. Holcomb*, 16 F.3d 1513, 1515 n.1 (9th Cir. 1994).

1 conclusion that each Defendant would give the same response. Plaintiff is entitled to be informed of
2 each Defendant's individual response (even if they all turn out to be the same).

3 Dated: 7/23/10

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5 PATRICIA V. TRUMBULL
6 United States Magistrate Judge
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