

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Laila Batts,

NO. C 08-00286 JW

Plaintiff,

**ORDER TO SHOW CAUSE RE:
UNTIMELY OBJECTIONS TO
DISCOVERY ORDERS**

v.

County of Santa Clara, et al.,

Defendants.

Presently before the Court are Plaintiff's Objections to Portions of Magistrate Judge's Discovery Orders. (hereafter, "Objections," Docket Item No. 137.) Plaintiff objects on various grounds to portions of the following discovery orders: (1) Order Denying Plaintiff's Motion to Compel Expert Reports,¹ (2) Order Denying Plaintiff's Motion for Sanctions,² and (3) Order Granting in Part Plaintiff's Motion to Compel Document Production and Interrogatory Answers.³ Defendants filed a Response contending that Plaintiff's Objections were untimely filed.⁴

Fed. R. Civ. P. 72(a) provides: "A party may serve and file objections to [a magistrate judge's order regarding a nondispositive matter] within 10 days after being served with a copy. A party may not assign as error a defect in the order not timely objected to."

¹ (Docket Item No. 116.)

² (Docket Item No. 117.)

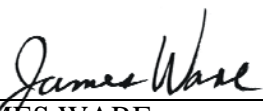
³ (Docket Item No. 119.)

⁴ (Response to Plaintiff's Objections to Portions of Magistrate Judge's Discovery Orders, Docket Item No. 142.)

1 Here, Magistrate Judge Lloyd issued all three discovery orders on November 19, 2009.
2 Pursuant to Fed. R. Civ. P. 72(a), the parties had until November 30 to file any objections.⁵
3 However, Plaintiff did not file her Objections until December 10, 2009. Thus, on their face,
4 Plaintiff's Objections are untimely. Plaintiff provided no explanation in her brief as to why her
5 filing was late.

6 Accordingly, on or before **January 4, 2010**, Plaintiff shall file a memorandum showing
7 cause as to why the Court should not overrule her Objections as untimely.

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9 Dated: December 18, 2009



JAMES WARE
United States District Judge

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27 ⁵ Since the actual tenth day after issuance of the discovery orders was a Sunday, November
28 29, the parties had until the following day to file their objections.

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Aryn Paige Harris aryn.harris@cco.sccgov.org
3 Gregory Joseph Sebastinelli gregory.sebastinelli@cco.co.scl.ca.us
4 Jeremy L. Friedman jlfried@comcast.net

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Dated: December 18, 2009

Richard W. Wieking, Clerk

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By: /s/ JW Chambers
Elizabeth Garcia
Courtroom Deputy

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