

United States District Court
For the Northern District of California

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E-FILED 01-13-2010

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

PIOTR J. GARDIAS,

No. C09-02090 HRL

Plaintiff,

**ORDER DENYING PLAINTIFF'S
MOTIONS TO COMPEL**

v.

THE CALIFORNIA STATE UNIVERSITY,
SAN JOSE STATE UNIVERSITY,

[Re: Docket Nos. 33, 36]

Defendant.

Pro se plaintiff Piotr Gardias moves to compel discovery. Defendant opposes the motions. The matter is deemed appropriate for determination without oral argument, and the January 19, 2010 hearing is vacated. See Civ. L.R. 7-1(b). Upon consideration of the moving and responding papers, the court rules as follows:

1. Plaintiff's motion to compel discovery as to defendant's statements re claims that defendant contends have been adjudicated is denied.
2. Plaintiff's motion to compel the production of his personnel files and University EEO files is denied as moot. The record presented indicates that plaintiff may already have these documents in his possession, custody, or control. Additionally, defendant has never refused to produce these documents and remains willing to make them available for plaintiff's

1 inspection and copying.¹ To the extent Gardias seeks defense counsel's input as to the
2 relevance of documents to the instant action, such information is protected attorney work
3 product, and plaintiff's motion is denied.

4 3. Plaintiff's motion to compel interrogatory responses disclosing the national
5 origins of Adam Bayer and Daryn Adams is denied. The requested information is neither
6 relevant nor reasonably calculated to lead to the discovery of admissible evidence.

7 4. Plaintiff's motion to compel the production of Bayer's and Adams' school
8 transcripts and employment records is denied. The requested information is neither relevant nor
9 reasonably calculated to lead to the discovery of admissible evidence.

10 5. Plaintiff's motion for sanctions against defense counsel is denied. Having
11 reviewed the record presented, the court finds that no sanctions are warranted.

12 SO ORDERED.

13 Dated: January 13, 2010



HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

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¹ The court assumes the documents are available in San Jose and that, if
plaintiff desires copies, defendant will cooperate in providing for copying at modest per page
cost to plaintiff.

1 5:09-cv-02090-HRL Notice has been electronically mailed to:

2 Mary Susan Cain-Simon: Mary.CainSimon@doj.ca.gov, ECFCoordinator@doj.ca.gov,
3 Leticia.MartinezCarter@doj.ca.gov

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

6 5:09-cv-02090-HRL Notice mailed to:

7 Piotr J. Gardias
8 72 Floyd St.
9 San Jose, CA 95110

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