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**\*E-Filed: January 6, 2014\***

NOT FOR CITATION  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

FAREED SEPEHRY-FARD,  
Plaintiff,  
v.  
GREENPOINT MORTGAGE FUNDING,  
INC., ET AL.,  
Defendants.

No. C13-04535-EJD (HRL)

**ORDER DENYING PLAINTIFF’S  
MOTION FOR EXPEDITED  
DISCOVERY AND RELATED  
DISCOVERY REQUESTS**

**[Re: Docket Nos. 54, 55, 56, 73]**

Plaintiff Fareed Sepehry-Fard sues defendants for quiet title. Defendants have filed motions to dismiss, which will be heard by the presiding judge on April 4, 2014. Plaintiff has filed various ex parte motions, including motions to compel, to disqualify counsel, and to disqualify the presiding judge. Plaintiff now moves for expedited discovery (Dkt. 54), including requests for production (Dkt. 55), requests for admission (Dkt. 56), and interrogatories (Amended discovery requests, Dkt. 58). Defendants oppose the motion for expedited discovery and related discovery requests (Dkts. 61, 63). The presiding judge referred these matters to the undersigned (Dkt. 57). Plaintiff recently filed an additional motion to compel (Dkt. 73) in which he renews his previous discovery requests. The parties have not yet held a Rule 26(f) conference. As discussed below, Plaintiff’s motions are denied.

A party may not seek discovery from any source before the parties have conferred as required by Rule 26(f), unless authorized by the Federal Rules of Civil Procedure, by stipulation, or by court order. Fed. R. Civ. P. 26(d)(1). Courts within the Ninth Circuit generally use a “good

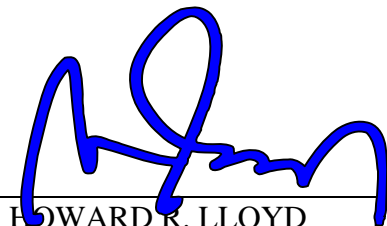
**United States District Court**  
For the Northern District of California

1 cause” standard to determine whether to permit such discovery. *See, e.g., Apple Inc. v. Samsung*  
2 *Electronics Co., Ltd.*, No. 11–CV–01846 LHK, 2011 WL 1938154, at \*1 (N.D. Cal. May 18, 2011);  
3 *Semitool, Inc. v. Tokyo Electron America, Inc.*, 208 F.R.D. 273, 276 (N.D. Cal. 2002). “Good cause  
4 may be found where the need for expedited discovery, in consideration of the administration of  
5 justice, outweighs the prejudice to the responding party.” *Semitool*, 208 F.R.D. at 276.

6 Plaintiff argues that expedited discovery is necessary because Bank of America (of which  
7 defendant ReconTrust is a wholly-owned subsidiary) has threatened foreclosure, Plaintiff plans to  
8 seek a preliminary injunction imposing a constructive trust on the assets and certain allegedly  
9 fraudulent revenues of the defendants, and defendants are likely to destroy evidence. Defendants  
10 assert that Plaintiff has failed to demonstrate good cause as no notice of default or trustee’s sale has  
11 been recorded on the property, there is no indication that evidence will be destroyed absent  
12 expedited discovery, and in any event the requested discovery is overbroad and irrelevant.  
13 Moreover, they allege that allowing expedited discovery would prejudice them because it would  
14 result in heightened litigation costs. While defendants’ bare assertions of heightened litigation costs  
15 do not sufficiently demonstrate prejudice, neither has the plaintiff met his burden of demonstrating a  
16 need for expedited discovery. Plaintiff has provided no credible basis for believing that defendants  
17 will destroy evidence or that the requested discovery would support a preliminary injunction for  
18 relief as extreme as a constructive trust on all the assets of the defendants. Accordingly, Plaintiff’s  
19 motion for expedited discovery and related discovery requests are denied, and discovery shall not  
20 commence until the parties’ hold their Rule 26(f) conference. Thereafter, in the event discovery  
21 disputes arise, the parties shall comply with the undersigned’s Standing Order re: Civil Discovery  
22 Disputes.

23 **IT IS SO ORDERED.**

24 Dated: January 3, 2014



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

1 **C13-04535 Notice will be electronically mailed to:**

2 Andrew Alexander Wood aaw@severson.com, sg@severson.com

3 Helen Dan-Hwei Hsueh helen.hsueh@kyl.com, anthony.levintow@kyl.com

4 Philip Alan McLeod philip.mcleod@kyl.com, maricel.schilt@kyl.com

5 **C13-04535 Notice will be mailed to:**

6 Fareed Sepehry-Fard  
12309 Saratoga Creek Drive  
7 Saratoga, CA 95070

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

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