

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

PAMELA WILLIAMS,
Plaintiff,
v.
GYRUS ACMI, LP, et al.,
Defendants.

Case No. [5:14-cv-00805-BLF](#) (HRL)

ORDER RE DISCOVERY REPORT 3

Re: Dkt. No. 147

In this latest flurry of discovery-related filings, defendant Gyrus ACMI, L.P. (GALP) seeks an order compelling plaintiff to provide verifications to two sets of interrogatory responses: (1) plaintiff's Supplemental Response to Defendant's Interrogatories (Set One) and (2) her Response to Defendant's Interrogatories (Set Two). (Dkt. 147, Exs. C and E). Although titled a "Joint Report," Discovery Report No. 3 was not jointly submitted by the parties. GALP says it attempted to submit a joint report, to no avail. In her separately filed opposition, plaintiff claims that GALP failed to confer with her before filing the report.¹ GALP says that it did, in fact, have an in-person meeting with plaintiff during which she agreed to provide the requested verifications;

¹ In her opposition, plaintiff also argues that defendant filed the present discovery report without waiting for a court order permitting defendant to append additional exhibits to its report. Plaintiff apparently confuses the present discovery report with an administrative motion GALP has filed in connection with a different discovery dispute. The court will address that other discovery matter separately.

1 but, defendant claims that the verifications were never sent.

2 Unfortunately, neither side has been particularly observant of the requirements of the
3 undersigned's Standing Order re Civil Discovery Disputes. Nevertheless, in view of the October
4 14, 2016 fact discovery cutoff, and the relative simplicity of the issue presented, this court has
5 read and considered all of the papers submitted by the parties in connection with this dispute and
6 concludes that this matter is suitable for determination without oral argument. Civ. L.R. 7-1(b).
7 Having considered the parties' respective arguments, this court now rules as follows:

8 There is no question that plaintiff must verify her interrogatory answers. Rule 33 of the
9 Federal Rules of Civil Procedure, which governs interrogatories to parties, requires the responding
10 party (here, plaintiff) to answer each interrogatory separately and fully "under oath." Fed. R. Civ.
11 P. 33(b)(3). On October 12, 2016, plaintiff filed two documents with the court:

- 12 • One is titled "Plaintiff's Verification of Discovery Responses," which states
13 "Plaintiff respectfully submits confirmation that she has served verified responses."
14 (Dkt. 151 at 1). Plaintiff further notes that on October 11, she asked defendant to
15 withdraw its proposed order compelling her to serve the requested verifications.
- 16 • The other document is titled "Declaration of Pamela Williams in Support of
17 Plaintiff's Verification of Discovery Responses." (Dkt. 152). The declaration is
18 entirely blank, but appears to be signed by plaintiff under the statement "I declare
19 under penalty of perjury under the laws of the United States that the foregoing is
20 true and correct and that this declaration was executed on [date] October 12,
21 2016." (Id.).

22 Although it is not entirely clear what plaintiff intended by these two October 12 filings, this court
23 believes that she may have meant for them to be her verification of the subject interrogatory
24 responses. If that is the case, then her October 12 submissions are insufficient for that purpose.
25 What plaintiff must do is (1) review her Supplemental Response to Defendant's Interrogatories
26 (Set One) and her Response to Defendant's Interrogatories (Set Two) and (2) verify in writing
27 under oath that those responses are true and correct. Plaintiff is directed to serve her verifications
28 for those two sets of interrogatory answers no later than **October 27, 2016**.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

For plaintiff's guidance, this court observes that plaintiff previously served a verification of a prior set of interrogatory responses as follows:

I, the undersigned, say:

I am a party to the above entitled action. I have read the foregoing document, entitled PLAINTIFF'S ANSWERS TO INTERROGATORIES, and it is true of my own knowledge, except as to matters which are therein stated on my information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on January 11, 2016, at Redwood City, CA.

(Dkt. 147, Discovery Report 3, Ex. B at ECF p. 23). However, if plaintiff feels she needs assistance with the preparation of a verification form, she is encouraged to contact the Federal Pro Se Program, located in Room 2070 on the Second Floor of the Federal Courthouse in San Jose. Appointments may be made by (1) signing up in person at the Federal Pro Se Program office or at The Law Foundation of Silicon Valley, 152 N. 3rd Street, 3rd Floor, San Jose, CA; or (2) by calling 408-297-1480. If she has not already done so, plaintiff is also directed to obtain a copy of the court's Handbook for Pro Se Litigants, available on the court's website (<http://cand.uscourts.gov>) or from the Clerk's Office.

SO ORDERED.

Dated: October 17, 2016



HOWARD R. LLOYD
United States Magistrate Judge

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

5:14-cv-00805-BLF Notice has been electronically mailed to:

Glenn Lansing Briggs gbriggs@kadingbriggs.com, vbeechler@kadingbriggs.com

Kymberleigh Damron-Hsiao kdh@kadingbriggs.com, mrogers@kadingbriggs.com,
vbeechler@kadingbriggs.com

Pamela Williams Pam.Williams1001@gmail.com

5:14-cv-00805-BLF Notice sent by U.S. Mail on 10/18/2016 to:

Pamela Williams
909 Marina Village Parkway #292
Alameda, CA 94501