

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CHRISTOPHER PRATER,
Plaintiff,
v.
IRVIN GOODWIN, HVEHF VETERAN
CENTER,
Defendants.

Case No. 5:14-cv-04876-HRL

**ORDER GRANTING IN PART AND
DENYING IN PART PLAINTIFF'S
DISCOVERY DISPUTE REPORTS**

Re: Dkt. Nos. 47, 48, 49, 51, 54, 55

Having reviewed plaintiff's discovery requests and defendant's objections, the court rules on plaintiff's request for an order compelling discovery as follows:

Interrogatories to Defendant Goodwin

Plaintiff's motion to compel an answer to Interrogatory 1 is denied as moot because defendant sufficiently answered it.

Plaintiff's motion to compel an answer to Interrogatory 2 is granted in part and denied in part. Defendant is correct that each of plaintiff's interrogatories include a number of discrete subparts that count as separate interrogatories. However, Interrogatory 2 does not exceed the presumptive limit simply because defendant's response happened to include 16 individuals. Accordingly, defendant shall supplement his answer to Interrogatory 2 by providing the requested information for the 9th through 16th witnesses identified in response to Interrogatory 1.

1 Defendant's supplemental response shall be served by January 22, 2016.

2 Construing Interrogatory 3 as a request to identify witnesses that defendants may use to
3 support their defenses, plaintiff's motion to compel an answer to this interrogatory is granted to
4 the extent defendants did not already provide this information in their Fed. R. Civ. P. 26 initial
5 disclosures. See Fed. R. Civ. P. 26(a)(1)(A)(i). However, defendants shall not be required to
6 disclose any witnesses that they may use solely for impeachment. Defendant's supplemental
7 answer shall be served by January 22, 2016. This discovery is otherwise denied because this court
8 generally does not require disclosure of trial witnesses until just prior to the Final Pretrial
9 Conference.

10 Plaintiff's motion to compel answers to the remaining interrogatories is denied on the
11 grounds that the burden or expense of the discovery outweighs its likely benefit, considering the
12 needs of the case, the amount in controversy, the parties' resources and relative access to
13 information, and the importance of the discovery in resolving the issues; or, the interrogatories,
14 including discrete subparts, exceed the presumptive limit. Fed. R. Civ. P. 26(b), 33.

15 **Requests for Production**

16 Plaintiff's motion to compel the insurance information sought by Request 13 is granted
17 inasmuch as that is information each party is required to provide as part of its Fed. R. Civ. P. 26(a)
18 initial disclosures. See Fed. R. Civ. P. 26(a)(1)(A)(iv). Defendant shall produce the requested
19 document (if any) by January 22, 2016.

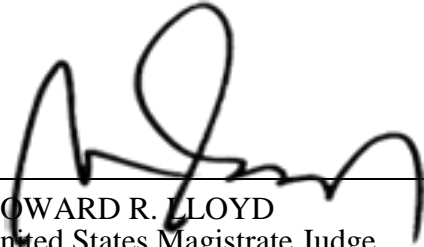
20 Plaintiff's motion to compel the production of documents is otherwise denied. Defendant
21 sufficiently responded to Requests 1, 10, 14, and 16. Requests 7 and 12 are denied as moot. (If
22 defendants intend to present any testifying experts, expert disclosures were due by November 16,
23 2015. If no such disclosures were made, then that would indicate defendants do not intend to
24 present expert testimony at trial.) Requests 8-9 are denied insofar as this court generally does not
25 require such information to be disclosed until just prior to the Final Pretrial Conference. As for
26 the remaining requests, they either do not specify the categories of documents sought with
27 requisite particularity; seek irrelevant information; or, the burden or expense of the discovery
28 outweighs its likely benefit, considering the needs of the case, the amount in controversy, the

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parties' resources and relative access to information, and the importance of the discovery in resolving the issues. Fed. R. Civ. P. 26(b), 34.

SO ORDERED.

Dated: January 11, 2016



HOWARD R. LLOYD
United States Magistrate Judge

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5:14-cv-04876-HRL Notice has been electronically mailed to:
Christopher Kyle Prater kcprater74@gmail.com
Jennifer J. Capabianco jcapabianco@selmanbreitman.com, ttaylor@selmanbreitman.com