

**MINUTE ORDER OF THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

Case Name: **Kenney v. San Diego, City of et al**    Case No.: **13-cv-00248-WQH-JLB**

Hon. Jill L. Burkhardt    Ct. Deputy Roi-Ann Bressi    Rptr. Tape: JLB16-2:02-2:43

For the reasons stated on the record at the Oral Argument Hearing held on September 8, 2016 (ECF No. 438), the Court ruled on Plaintiff’s *ex parte* motions to request a discovery schedule (ECF No. 401) and to compel discovery responses (ECF Nos. 400, 402, 410–21) as follows:

<b>ECF No.</b>	<b>Motion Title</b>	<b>Court’s Ruling</b>
400	Plaintiff’s Ex Parte Motion to Compel Discovery Pursuant to Court Order ECF 385 “Substitutions”	Granted. Defendants have until October 10, 2016, to make their Rule 26 disclosures.
401	Plaintiff’s Request, Pursuant to Local Rule 16.1, For the Judicial Officer Assigned to Supervise Discovery to Provide a Discovery Schedule and/or Hold a Discovery Conference	Granted in that the Court held the requested Discovery Conference on September 8, 2016, and provided the following discovery schedule: 1) Responses to Plaintiff’s discovery propounded on June 27, 2016 are due October 10, 2016. 2) Defendants may propound contention interrogatories and requests for production of documents as to the eight defendants recently substituted in as Doe defendants on the following schedule: a. By September 22, as to the five who have already been served; and

ECF No.	Motion Title	Court's Ruling
		<p>b. Seven days from the date of service as to the three not yet served (Steven Eraca, David Mitchell, and Craig Shumate).</p> <p>Further, the parties have until September 15, 2016, to file a joint supplemental document setting forth a single proposal (if the parties are in agreement) or multiple proposals as to any additional dates in the schedule that the parties believe there is good cause to adjust.</p>
402	Plaintiff's Motion to Compel Responses to Special Interrogatories, Set 1 to Kevin Armentano	Denied without prejudice. At the time this discovery was propounded, discovery had closed and Plaintiff had neither sought nor received leave of Court to reopen discovery. Now that Plaintiff has obtained leave to propound this discovery, defendant has until October 10, 2016, to respond.
407	Plaintiff Requests This Court Resend Court Orders ECF 385 and 386 and All Other Orders The Court Made Concerning Its Various Post-MSJ Rulings	Denied.

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410	Plaintiff's Ex Parte Motion to Compel Extremely Belated Discovery Responses to Special Interrogatories, Set 1, from Defendant Armentano	Duplicative of ECF No. 402. (Denied without prejudice. At the time this discovery was propounded, discovery had closed and Plaintiff had neither sought nor received leave of Court to reopen discovery. Now that Plaintiff has obtained leave to propound this discovery, defendant has until October 10, 2016, to respond.)
411	Plaintiff's Ex Parte Motion to Compel Extremely Belated Discovery Responses to Special Interrogatories, Set 1, from Defendant Eraca	Denied without prejudice. At the time this discovery was propounded, discovery had closed and Plaintiff had neither sought nor received leave of Court to reopen discovery. Now that Plaintiff has obtained leave to propound this discovery, defendant has until October 10, 2016, to respond.
412	Plaintiff's Ex Parte Motion to Compel Extremely Belated Discovery Responses to Special Interrogatories, Set 1, from Defendant Koerber	Denied without prejudice. At the time this discovery was propounded, discovery had closed and Plaintiff had neither sought nor received leave of Court to reopen discovery. Now that Plaintiff has obtained leave to propound this discovery, defendant has until October 10, 2016, to respond.
413	Plaintiff's Ex Parte Motion to Compel Extremely Belated Discovery Responses to Special Interrogatories, Set 1, from Defendant Milano	Denied without prejudice. At the time this discovery was propounded, discovery had closed and Plaintiff had neither sought nor received leave of Court to reopen discovery. Now that Plaintiff has obtained leave to propound this discovery, defendant has until October 10, 2016, to respond.

<b>ECF No.</b>	<b>Motion Title</b>	<b>Court's Ruling</b>
414	Plaintiff's Ex Parte Motion to Compel Extremely Belated Discovery Responses to Special Interrogatories, Set 1, from Defendant Mitchell	Denied without prejudice. At the time this discovery was propounded, discovery had closed and Plaintiff had neither sought nor received leave of Court to reopen discovery. Now that Plaintiff has obtained leave to propound this discovery, defendant has until October 10, 2016, to respond.
415	Plaintiff's Ex Parte Motion to Compel Extremely Belated Discovery Responses to Special Interrogatories, Set 1, from Defendant Shumate	Denied without prejudice. At the time this discovery was propounded, discovery had closed and Plaintiff had neither sought nor received leave of Court to reopen discovery. Now that Plaintiff has obtained leave to propound this discovery, defendant has until October 10, 2016 to respond.
416	Plaintiff's Ex Parte Motion to Compel Extremely Belated Discovery Responses to Special Interrogatories, Set 1, from Defendant Sainte-Agathe	Denied without prejudice. At the time this discovery was propounded, discovery had closed and Plaintiff had neither sought nor received leave of Court to reopen discovery. Now that Plaintiff has obtained leave to propound this discovery, defendant has until October 10, 2016, to respond.
417	Plaintiff's Ex Parte Motion to Compel Extremely Belated Discovery Responses to Special Interrogatories, Set 1, from Defendant Valdez	Denied without prejudice. At the time this discovery was propounded, discovery had closed and Plaintiff had neither sought nor received leave of Court to reopen discovery. Now that Plaintiff has obtained leave to propound this discovery, defendant has until October 10, 2016, to respond.

<b>ECF No.</b>	<b>Motion Title</b>	<b>Court's Ruling</b>
418	Plaintiff's Ex Parte Motion to Compel Responses to RFPs, Set 1, from Defendant Armentano	Denied without prejudice. At the time this discovery was propounded, discovery had closed and Plaintiff had neither sought nor received leave of Court to reopen discovery. Now that Plaintiff has obtained leave to propound this discovery, defendant has until October 10, 2016, to respond.
419	Plaintiff's Ex Parte Motion to Compel Responses to RFPs, Set 1, from Defendant Koerber	Denied without prejudice. At the time this discovery was propounded, discovery had closed and Plaintiff had neither sought nor received leave of Court to reopen discovery. Now that Plaintiff has obtained leave to propound this discovery, defendant has until October 10, 2016, to respond.
420	Plaintiff's Ex Parte Motion to Compel Responses to RFPs, Set 1, from Defendant Mitchell	Denied without prejudice. At the time this discovery was propounded, discovery had closed and Plaintiff had neither sought nor received leave of Court to reopen discovery. Now that Plaintiff has obtained leave to propound this discovery, defendant has until October 10, 2016, to respond.
421	Plaintiff's Ex Parte Motion to Compel Responses to RFPs, Set 1, from Defendant Valdez	Denied without prejudice. At the time this discovery was propounded, discovery had closed and Plaintiff had neither sought nor received leave of Court to reopen discovery. Now that Plaintiff has obtained leave to propound this discovery, defendant has until October 10, 2016, to respond.

Although Plaintiff's declarations filed in support of his motions to compel include requests for sanctions (ECF Nos. 410-4, 411-4, 412-4, 413-4, 414-4, 415-4, 416-4, 417-4, 418-4, 419-4, 420-4 and 421-4), no motions for sanctions are before the Court. If the Court were to construe Plaintiff's motions to compel as including motions for sanctions, those motions would be denied. Defendants were within their rights to refuse to respond to discovery that was propounded after the close of discovery and in the absence of Plaintiff seeking and obtaining leave from the Court to reopen discovery.

**IT IS SO ORDERED.**

Date: September 19, 2016

Initials: JLB