

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

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

IN RE: MIDLAND CREDIT
MANAGEMENT, INC.,
TELEPHONE CONSUMER
PROTECTION ACT LITIGATION

Case No.: 11-md-2286-MMA-MDD
Member Case Nos.: 15-cv-1479-MMA-
MDD

**ORDER STRIKING PLAINTIFF
BASHAM’S DISCOVERY
REQUEST**

[ECF No. 48]

Plaintiff Angela D. Basham (“Basham”), in member case number 15-cv-1479-MMA-MDD, filed with this Court her “First Set of MDL Discovery Requests” propounded against Midland.¹ (ECF No. 48).

Pursuant to Federal Rule of Civil Procedure 34(a), “[a] party may serve on any other party a request” to produce documents. Fed. R. Civ. P. 34(a). Federal Rule of Civil Procedure 5 mandates that requests for documents “must not be filed” with the Court “until they are used in the proceeding or

¹ The Court refers to all Defendants in this case as “Midland.”

1 the court orders filing.” Fed. R. Civ. P. 5(d)(1). In addition, under the Civil
2 Local Rules of Court,

3 unless filing is ordered by the court on motion of a party or upon its
4 own motion, interrogatories, requests for admission, requests for
5 productions and the answers thereto need not be filed unless and
6 until they are used in proceedings.

7 *See* S.D. Cal. Civ. L.R. §§ 33.1(c) & 36.1(c).

8 Accordingly, the Court **DENIES** Plaintiff Basham’s motion and Orders
9 that Plaintiff’s First Set of MDL Discovery Requests be **STRICKEN** from the
10 record.

IT IS SO ORDERED.

11 Dated: June 24, 2020



12
13 Hon. Mitchell D. Dembin
14 United States Magistrate Judge