



1 requests within the scope of Rule 26(b) that are “relevant to the subject matter involved in the  
2 action.” Rule 26(b)(1). Pursuant to Rule 34, a responding party must either object or respond to a  
3 request for production of documents within 30 days, unless some other time frame has been ordered  
4 by the court or agreed to by the parties. In responding to Rule 34 requests, “the response must  
5 either state that inspection and related activities will be permitted as requested or state an objection  
6 to the request, including the reasons.” Rule 34(b)(2)(B). A “failure to object to discovery requests  
7 within the time required constitutes a waiver of any objection.” *Richmark Corp. v. Timber Falling*  
8 *Consultants*, 959 F.2d 1468, 1473 (9th Cir. 1992); *see also* Rule 34(b)(2). An evasive or  
9 incomplete response must be treated as a failure to respond. Rule 37(a)(4). Pursuant to Rule  
10 37(a)(3)(B)(iv), a party may seek an order compelling discovery if the other party “fails to respond  
11 that inspection will be permitted-or fails to permit inspection—as requested under Rule 34.”

12 While Plaintiff did respond to the requests for production, answering each request with  
13 “[a]lready provided in disclosures,” without more, is improper. Such a response is evasive or non-  
14 responsive within the meaning of Rule 37(a)(4). *See USF Ins. Co. v. Smith's Food and Drug*  
15 *Center, Inc.*, 2011 WL 2457655, \*3 (D. Nev. 2011) and *Walker v. Lakewood Condominium*  
16 *Owners Assoc.*, 186 F.R.D. 584, 587 (C.D. Cal. 1999) (explaining that a party’s boilerplate or  
17 generalized objection is “tantamount to not making an objection at all.”) Plaintiff, in his  
18 opposition, argues that this motion is moot because the City Defendants had an opportunity to  
19 depose the Plaintiff after the discovery responses were received and clarify any outstanding  
20 discovery issues at that time. This argument is without merit. Regardless of whether Plaintiff’s  
21 deposition was taken, Plaintiff has an obligation to properly respond to all discovery requests  
22 served upon him. Plaintiff must therefore supplement his responses to indicate which of the  
23 previously disclosed documents are responsive to each request for production. Further, pursuant to  
24 Rule 37(a)(5), the Court will grant the City Defendants their reasonable attorney’s fees incurred in  
25 bringing this motion. Accordingly,

26 **IT IS HEREBY ORDERED** that City Defendants’ Motion to Compel Discovery  
27 Responses from Plaintiff (#33) is **granted**. Plaintiff shall properly respond to each request for  
28 production no later than **May 30, 2012**.

