



1 to participate and took no part in drafting the proposed discovery plan and scheduling order.  
2 Furthermore, they have not provided Plaintiffs with initial disclosures required under Rule 26(a)(1) of  
3 the Federal Rules of Civil Procedure. In response to written discovery requests, the Koppel Defendants  
4 gave boilerplate responses, stating they had no personal contact with Plaintiffs, have only acted as  
5 passive stockholders and officers of the corporate entities named in the Complaint (Dkt. #1), and  
6 requesting Plaintiffs dismiss them from this lawsuit. Finally, on March 5, 2012, Robert Koppel  
7 informed Plaintiffs' counsel that he would not appear for his noticed deposition in Las Vegas, Nevada,  
8 due to a medical condition. Robert Koppel did not appear for the March 26, 2012, deposition.

9 In their Opposition, filed after Plaintiffs' Reply, the Koppel Defendants state that on April 21,  
10 2012, Robert Koppel sent Plaintiffs' counsel an email, stating the Koppel Defendants' intent to comply  
11 with Plaintiffs' written discovery requests and requesting thirty days to do so. Plaintiffs' counsel  
12 agreed. Additionally, Robert Koppel attached his signed Answer to Plaintiffs' Amended Complaint to  
13 the Opposition. Steven Koppel did not attach a signed Answer to the Opposition.

14 At the August 17, 2012, hearing, Plaintiffs' counsel represented that the Koppel Defendants  
15 agreed to appear at their depositions, currently noticed for August 30, 2012, to be taken in Northern  
16 California, where the Koppel Defendants reside. Because there is currently a Motion for Leave to File  
17 Second Amended Complaint (Dkt. #163) pending before the district judge, however, those deposition  
18 may be rescheduled so that they need not be taken twice if the Motion to Amend is granted.

19 Additionally, the Koppel Defendants have now responded to Plaintiffs' written discovery requests, and  
20 Plaintiffs' counsel did not claim that those responses were inadequate.

21 The court appreciates that it is difficult for parties appearing pro se (representing themselves) to  
22 defend a federal lawsuit. However, all parties are required to participate and cooperate in the discovery  
23 process. Although the Koppel Defendants have not fully complied with their obligations, they are now  
24 attempting to cooperate and participate in this litigation. They have responded to Plaintiffs' written  
25 discovery requests, and Robert Koppel has now filed a signed answer. The court finds that sanctions  
26 are not warranted at this time. However, the Koppel Defendants are warned that they must comply with  
27 their discovery obligations. Sanctions, up to and including case-dispositive sanctions may be imposed  
28 if the Koppel Defendants refuse to comply with these obligations.

1 Accordingly,

2 **IT IS ORDERED:**

- 3 1. Plaintiffs' Motion for Sanctions (Dkt. #149) is DENIED WITHOUT PREJUDICE as to  
4 the Koppel Defendants.
- 5 2. The Koppel Defendants' Motion to Extend Time (Dkt. #155) is GRANTED.
- 6 3. The Clerk of Court shall separately file pp.5-21 of the Koppel Defendants' Motion to  
7 Extend Time as Defendant Robert Koppel's Answer to Plaintiffs' Amended Complaint.
- 8 4. Defendant Steven Koppel shall file a signed Answer to Plaintiffs' Amended Complaint  
9 on or before **September 4, 2012.**

10 Dated this 21st day of August, 2012.

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14 PEGGY A. LEN  
15 UNITED STATES MAGISTRATE JUDGE  
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