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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DARREN HEYMAN,
Plaintiff,
vs.
STATE OF NEVADA EX REL. BOARD OF
REGENTS OF THE NEVADA SYSTEM OF
HIGHER EDUCATION ON BEHALF OF
UNIVERSITY OF NEVADA, LAS VEGAS, et al.
Defendant.

Case No. 2:15-cv-01228-RFB-GWF
ORDER

This matter is before the Court on Plaintiff’s Eleventh Motion to Compel (ECF No. 229), filed on October 26, 2017. Defendant Rhonda Montgomery filed her Opposition (ECF No. 231) on November 9, 2017 and Plaintiff filed his Reply (ECF No. 234) on November 15, 2017.

BACKGROUND

On August 4, 2017, Plaintiff filed his second motion to compel (ECF No. 165) Defendant Montgomery to further respond to discovery requests. The Court granted Plaintiff’s second motion to compel, in part, and instructed Defendant Montgomery to supplement her responses to specific discovery requests. Plaintiff argues that the supplemental responses provided by Defendant Montgomery are inadequate. The Court instructed Defendant’s counsel to review Defendant’s social media content and produce any relevant, nonprivileged content contained therein. The Court further instructed Defendant to produce any nonprivileged documents in her possession, custody, or control that contain information regarding possible cheating on the May 2013 Q-Exam. Plaintiff argues that Defendant failed to properly search her social media content and failed to provide a sufficient description of searches conducted as they relate to Interrogatory No. 6 and Request for Production

1 No. 1. *See Plf's Mtn. to Compel* (ECF No. 229), 9-10. Defendant Montgomery argues that Plaintiff
2 failed to meaningfully meet-and-confer and that her supplemental responses satisfy the Court's order
3 granting, in part, Plaintiff's second motion to compel. *See Opp.* (ECF No. 231).

4 DISCUSSION

5 **1. Request for Production No. 1.**

6 The Court instructed Defendant to produce nonprivileged documents containing information
7 regarding possible cheating on the May 2013 Q-Exam, including documents that contain
8 communications between individuals regarding the investigation or statements regarding whether
9 Plaintiff may have intended to cheat on the Q-Exam. *See Order* (ECF No. 198), 13. In her
10 supplemental response, Defendant stated that “[she has] nothing responsive to this request in my
11 custody or control. I know what is contained in my files and confirmed by searching my desk within
12 my office and filing cabinets.” *See Mtn to Compel* (ECF No. 229), Exhibit E. Defendant represents
13 that she does not have any relevant documents in her possession, custody or control and that searches
14 of her email and facebook were conducted. *See Opp* (ECF No. 231), 6. Based on Defendant's
15 representations in her Opposition (ECF No. 231), it appears that she made a reasonable inquiry to
16 locate and produce responsive documents to Request for Production No. 1. Defendant is instructed to
17 supplement her response to Request for Production No. 1 to fully describe the search she conducted
18 for responsive documents as represented in her Opposition.

19 **2. Interrogatory No. 6.**

20 The Court instructed Defendant to provide access to her social media accounts to her counsel
21 to allow her counsel to review the content of those accounts and produce any relevant, nonprivileged
22 content contained therein. *See Order* (ECF No. 198), 14. Defendant represents that her counsel
23 conducted a search of her Facebook account. It is unclear whether Defendant's Facebook account is
24 her only social media account. Defendant is instructed to allow her counsel to access and review all
25 social media accounts that may contain information relevant to the claims of this action, including
26 social media accounts beyond Facebook. Defendant's counsel is instructed to provide a certification
27 to Plaintiff that she reviewed all of Defendant Montgomery's social media accounts. Accordingly,

28 . . .

