UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

DENIKA TERRY, et al., Plaintiffs, v. WASATCH ADVANTAGE GROUP, et al., Defendants.	No. 2:15-cv-0799 KJM DB ORDER

On January 20, 2023, plaintiffs filed a motion to compel and noticed the motion for hearing before the undersigned pursuant to Local Rules 251(e) and 302(c)(1). (ECF No. 284.) Plaintiffs' motion seeks production of defendants' relevant insurance agreements prior to the parties' settlement conference set for March 7, 2023. (ECF No. 284-1 at 3.)

Along with the motion to compel, the parties filed a Joint Statement. Therein, defendants did not object to plaintiffs' request, stating that they "are actively gathering all potentially responsive insurance policies and intend to produce them." (Id. at 8.) Defendants did not provide an anticipated production date but stated "no intention of withholding any potentially applicable insurance policy." (Id.)

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Anticipating that the parties could resolve this dispute with additional time, on January 24, 2023, the undersigned issued an order continuing the hearing of motion to compel to February 10, 2023. The parties were ordered to file either a withdrawal of the motion to compel or a Joint Statement on or before February 3, 2023. Defendants were specifically ordered to "address why the production of the relevant insurance policies has not been completed and when defendants anticipate the production could be completed" if the parties filed a Joint Statement. (ECF No. 285 at 2.)

On February 3, 2023, the parties filed a Joint Statement reflecting that this dispute remains unresolved. Moreover, defendants again failed to state any opposition. And defendants also failed to comply with the undersigned's January 24, 2023 order. In this regard, defendants' portion of the Joint Statement filed on February 3, 2023, is identical to that filed on January 20, 2023. Defendants repeat the vague assertions that they "are actively gathering all potentially responsive insurance policies and intend to produce them" and "have no intention of withholding any potentially applicable insurance policy." (Compare ECF No. 284-1 at 8 with ECF No. 286 at 8.) Defendants do not address why the production has not been completed. Nor do defendants address when they anticipate the production could be completed.

In light of defendants' repeated lack of opposition, and failure to comply with the undersigned's order, plaintiffs' motion to compel will be granted.

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiffs' January 20, 2023 motion to compel (ECF No. 284) is granted;
2. Defendants shall produce responses within seven days of the date of this order; and
3. The February 10, 2023 hearing of plaintiffs' motion is vacated.

Dated: February 6, 2023

DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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