

1
2
3
4
5
6
7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 RALPH COLEMAN, et al.,

11 Plaintiffs, No. 2:90-cv-0520 LKK JFM P

12 vs.

13 EDMUND G. BROWN, JR., et al.,

14 Defendants. ORDER

15 _____ /
16 Pursuant to court order, this matter came on for hearing before the
17 undersigned on a stipulated request for order shortening time for hearing on a motion by
18 plaintiffs to expedite discovery responses in the above-captioned case. Aaron J. Fischer,
19 Esq. appeared as counsel for plaintiffs. Deborah J. Vorous, Deputy Attorney General,
20 appeared as counsel for defendants. After review of the papers filed by the parties and
21 consideration of the arguments of counsel, and good cause appearing, the request for
22 order shortening time will be granted.

23 The dispute at bar arises from a motion to terminate the instant action filed
24 by defendants on January 7, 2013. Plaintiffs seek an order expediting all responses to
25 discovery requests propounded in connection with said motion, requiring said responses
26 to be served fourteen days after service of such requests. At the hearing, the parties

1 represented that to date they have been working expeditiously to set up prison tours and
2 depositions and to provide documents responsive to production requests in advance of
3 said tours and depositions. Defendants' objection to the instant motion turns principally
4 on an unwillingness to commit to a timeframe for responding to as yet unserved discovery
5 requests. Since defendants' motion in this case may trigger an automatic stay effective
6 April 7, 2013, and good cause appearing, plaintiffs' motion will be granted. In the
7 ordinary course, responses to discovery requests propounded in connection with
8 defendants' motion to terminate this action shall be served within fourteen days of service
9 of the request.

10 In addition, given the exigencies of the proceedings on defendants' motion
11 to terminate, the court finds good cause to set a procedure for resolution of any discovery
12 disputes that may arise in connection with that motion. The provisions of Local Rule 251
13 will not apply to said disputes. If a discovery dispute arises that cannot be resolved the
14 parties shall file a joint statement not to exceed two pages setting forth their respective
15 positions. Within two business days of such filing, the court shall issue an order either
16 resolving the dispute or setting the matter for hearing in person or telephonically.

17 Finally, the court notes that the stipulation for order shortening time was
18 also accompanied by a notice of motion to expedite discovery responses in proceedings
19 on a motion filed by defendants before the three-judge court. At the hearing the parties
20 acknowledged that the stipulation for order shortening time does not extend to the notice
21 of motion to expedite discovery responses in the three-judge court proceedings. This
22 court makes no ruling affecting discovery matters concerning the three-judge court
23 proceedings.

24 In accordance with the above, IT IS HEREBY ORDERED that:

25 1. The January 16, 2013 stipulated request for order shortening time is
26 granted.

1 2. Plaintiffs' motion to expedite discovery responses in proceedings on
2 defendants' motion to terminate the above-captioned action is granted.

3 3. Responses to discovery requests propounded in connection with
4 defendants' motion to terminate this action shall be served within fourteen days of service
5 of the request.

6 4. The provisions of Local Rule 251 will not apply to discovery disputes
7 that may arise in connection with defendants' motion to terminate this action. If a
8 discovery dispute arises that cannot be resolved the parties shall file a joint statement not
9 to exceed two pages setting forth their respective positions. Within two business days of
10 such filing, the court shall issue an order either resolving the dispute or setting the matter
11 for hearing in person or telephonically.

12 DATED: January 25, 2013.

13 
14 _____
15 UNITED STATES MAGISTRATE JUDGE

16 12
17 cole0520.oah124
18
19
20
21
22
23
24
25
26