IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

RALPH COLEMAN, et al.,

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

vs.

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

Defendants. ORDER

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On February 26, 2013, the parties in the above-entitled action filed a Joint Statement Re Discovery Dispute (Joint Statement). The dispute tendered for resolution centers on plaintiffs' motion to compel responses to Requests for Production of documents from four defense experts.

On January 25, 2013, plaintiffs served deposition notices and requests for production of documents from defendants' experts Jacqueline M. Moore, Steve J. Martin, Joel A. Dvoskin, and Charles M. Scott, M.D. On February 8, 2013, defendants responded to the document production request by producing documents from the Attorney General's communications with those experts but no documents from the experts themselves. Subsequently, the parties reached an agreement for production of each expert's entire file no later than seven days prior to that expert's scheduled deposition. Plaintiffs contend that defendants

have not timely produced the entire files of the experts as previously agreed. Defendants disagree with that characterization.

Plaintiffs contend that the production received to date does not reflect a "search of the experts' records for copies of emails and/or other communications" and that there exist in the produced materials "major gaps in the production of the experts' invoices." (Joint Statement (Doc. No. 4357), at 1.) Defendants contend that they have directly requested production of all documents from their experts, will produce the files in accordance with the agreed-upon schedule, and "are continuing to work with their experts and will produce any additional responsive, non-privilege documents as soon as they are available." (Id. at 2.)

Given the exigencies of the schedule set in the district court's January 29, 2013 order, the production at issue must be completed by a date certain. Pursuant to that order, defendants were required to "cooperate fully in discovery propounded by plaintiffs so that all discovery required to respond to the motion to terminate, including but not limited to depositions of all individuals who have tendered declarations in support of said motion" was completed by March 1, 2013. (Order filed Jan. 29, 2013 (Doc. No. 4316), at 4.) The parties have agreed to conduct the deposition of one of defendants' experts on March 8, 2013. Good cause appearing, counsel for defendants will be required to certify on or before March 6, 2013 at 5:00 p.m. that all documents responsive to the discovery requests at issue in the possession of their four experts have been produced to plaintiffs.

In accordance with the above, IT IS HEREBY ORDERED that on or before March 6, 2013 at 5:00 p.m. counsel for defendants shall certify in writing that all documents in the possession of defendants' experts responsive to the four discovery requests at issue have been produced to plaintiffs.

DATED: March 1, 2013.

Dale A. Drozd

DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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