

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LUIS MANUEL GARCES,

Plaintiff,

v.

J. PICKETT, et al.,

Defendants.

No. 2:17-cv-0319 TLN AC P

ORDER

By order filed June 25, 2021, discovery in this matter was re-opened for the limited purpose of allowing defendants to depose plaintiff and file any necessary motions to compel or for sanctions regarding the deposition and the sufficiency of plaintiff's responses to interrogatories and requests for production. ECF No. 161. The deadline for motions to compel related to written discovery was later vacated pending resolution of defendants' motion to compel plaintiff's participation in his deposition, because defendants represented that they believed any disputes could be resolved at plaintiff's deposition. ECF No. 173. The deadline for defendants to depose plaintiff and file any motions for sanctions related to the deposition have now passed, and defendants have not filed any motions for sanctions. Defendants will therefore be provided an opportunity to file a motion to compel related to the sufficiency of plaintiff's responses to written discovery, as set forth in the June 25, 2021 order.

Also before the court is plaintiff's motion to stay defendants' post-deposition motion in

1 which he asserts that defendants' counsel attempted to deprive him of his exhibits and has
2 prevented him from receiving a copy of the deposition. ECF No. 185. Defendants have not
3 responded to the motion. To the extent plaintiff appears to be asserting that he has been unable to
4 review the deposition transcript, it appears that plaintiff mailed his motion the day after his
5 deposition was taken, making any claims that he has not been able to review the transcript
6 premature. Regardless, defendants will be required to notify the court whether plaintiff has had
7 an opportunity to review the deposition transcript. In the event plaintiff has not had an
8 opportunity to review the transcript, defendants shall provide an explanation as to why plaintiff
9 has not had such an opportunity. To the extent plaintiff appears to be seeking a recording of the
10 deposition or a copy of the deposition transcript free of charge, there is no requirement that
11 defendants, or anyone else, provide plaintiff with a copy of the deposition free of charge,
12 although the deposition reporter is required to provide plaintiff with a copy of the transcript if he
13 pays the applicable charges. Fed. R. Civ. P. 30(f)(3). Finally, plaintiff requests time to submit
14 his exhibits to defendants. However, it appears that plaintiff has filed his exhibits with the court
15 (ECF No. 186) making the request moot.


16 Accordingly, IT IS HEREBY ORDERED that:

17 1. Within twenty-one days of the filing of this order, defendants may file a motion to
18 compel related to the sufficiency of plaintiff's responses to written discovery, as set forth in the
19 June 25, 2021 order (ECF No. 161).

20 2. Within fourteen days of the filing of this order, defendants shall file a notice regarding
21 the status of plaintiff's ability to review his deposition transcript as set forth above.

22 3. Plaintiff's motion to stay defendants' post-deposition motion (ECF No. 185) is
23 DENIED.

24 DATED: August 8, 2022

25 
26 ALLISON CLAIRE
27 UNITED STATES MAGISTRATE JUDGE
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