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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 LANCE WILLIAMS,

12 Plaintiff,

13 v.
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15 ROMERO, et al.,

16 Defendants.
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Case No. 2:17-cv-01884 TLN DB P

ORDER

18 Plaintiff is a state prisoner proceeding pro se with a civil rights action. Plaintiff alleges
19 defendants used excessive force and denied him medical care in violation of his Eighth
20 Amendment rights. Several matters are pending before the court: (1) final resolution of
21 defendant Zuniga's motion to compel; (2) plaintiff's motion for an extension of time to submit
22 discovery responses to Zuniga; (3) plaintiff's motion for an extension of time to file a reply to
23 defendants' response to his December 17, 2021 motion to compel; (4) plaintiff's request for
24 service of the first amended complaint on a newly-identified defendant; and (5) defendants'
25 motion for an extension of the dispositive motion deadline.

26 **DEFENDANT ZUNIGA'S MOTION TO COMPEL**

27 On September 28, 2021, defendant Zuniga filed a motion to compel plaintiff to respond to
28 interrogatories and requests for production of documents. In an order filed January 11, 2022, this

1 court granted Zuniga's motion. (ECF No. 143.) However, this court reserved ruling on some of
2 the challenged discovery responses¹ pending submission of information about plaintiff's
3 possession of his medical records. Defendants have informed the court that plaintiff has all
4 medical records he has requested. (ECF No. 144.) Plaintiff does not dispute that fact but states
5 that he has not had possession of his legal materials for a significant period of time because of
6 prison lockdowns due to the COVID-19 pandemic, his quarantine, and his expected transfer to
7 Los Angeles County for a court proceeding. (ECF Nos. 145, 152.)

8 This court finds the outstanding discovery requests seek relevant information. Interrogatory
9 nos. 11-14 seek information regarding exams and treatments plaintiff contends he received or
10 may receive as a result of defendants' conduct. Document production request nos. 6-12 seek
11 documents to support plaintiff's assertion that he suffered injuries as a result of defendants'
12 conduct and to demonstrate the medical care he has received as a result. The information and
13 documents sought are relevant to plaintiff's claims of injury and requests for damages.

14 As described in this court's January 11 order, plaintiff has waived any objections to
15 Zuniga's discovery requests. Accordingly, in addition to the discovery responses required in the
16 court's January 11 order, plaintiff must submit responses to defendant Zuniga's interrogatory nos.
17 11-14 and document production request nos. 6-12.

18 **PLAINTIFF'S MOTIONS FOR EXTENSIONS OF TIME**

19 Plaintiff seeks extensions of time to respond to Zuniga's discovery and to file a reply to his
20 motion to compel. (ECF Nos. 145, 152.)

21 Plaintiff requests a 90-day extension of time to provide defendant Zuniga with discovery.
22 Plaintiff explains that in January the prison was on lockdown and he was in quarantine due to the
23 COVID-19 pandemic. Plaintiff also states that he will be transferred to Los Angeles for a court
24 proceeding on March 18. Plaintiff has therefore had limited access to his legal and medical
25 records.

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28 ¹ The responses to be addressed are interrogatory nos. 11-14 (see ECF No. 136-1 at 47-50)
and document production request nos. 6-12 (see ECF Nos. 130-2 at 34-35 and 136-1 at 5-6).

1 Plaintiff should note that the court has not yet given him a deadline to respond to Zuniga's
2 discovery. Rather, the January 11 order stated that a due date would be set after the issue of
3 plaintiff's medical records had been resolved. While that issue has now been resolved, plaintiff
4 shows good cause for additional time due to restrictions on access to his legal materials. Plaintiff
5 will be ordered to inform the court when he has been returned to Folsom State Prison and has
6 obtained access to his legal materials and medical records. This court will then set a date for
7 plaintiff's submission of discovery responses to defendant Zuniga.

8 For primarily the same reasons, plaintiff also seeks an extension of time to file a reply to
9 defendants' opposition to his motion to compel. Again, once plaintiff has been returned to
10 Folsom State Prison and has access to his legal materials, this court will set a deadline for his
11 reply brief.

12 **MOTION FOR SERVICE ON NEWLY IDENTIFIED DEFENDANT**

13 Plaintiff states that, through discovery, he has learned the identity of a previously unnamed
14 defendant. He requests service of the first amended complaint on G. Chuckorski. Defendants do
15 not oppose that request and state that the Office of the Attorney General ("OAG") is willing to
16 accept service for G. Chuckorski. A waiver of service will be provided to the OAG for filing on
17 G. Chuckorski's behalf.

18 **MOTION FOR EXTENSION OF DISPOSITIVE MOTION DEADLINE**

19 Defendants move to extend the dispositive motion deadline due to incomplete discovery
20 and the addition of a new defendant. Defendants have shown good cause for their request. This
21 court will vacate the current dispositive motion deadline and re-set it after defendant Chuckorski
22 has responded to the first amended complaint.

23 For the foregoing reasons, IT IS HEREBY ORDERED as follows:

24 1. As set forth above and in the court's January 11, 2022 order, plaintiff must submit
25 amended responses to defendant Zuniga's first set of interrogatories. Because plaintiff failed to
26 verify his first set of responses by signing them under oath, he shall submit a full set of responses
27 to both the interrogatories and the document production requests. However, plaintiff need not
28 change his responses to all discovery requests. Rather, plaintiff must provide new, full responses,

1 without objections, to: (a) interrogatory nos. 1, 3, 5, 6, and 10-18; and (b) document production
2 request nos. 1, 2, 4-12, 14, 15, 17, and 18.

3 2. Plaintiff's requests for extensions of time to submit his responses to Zuniga's discovery
4 and to file a reply to defendants' opposition to his motion to compel (ECF No. 145) are granted.
5 This court will set deadlines for the discovery responses and reply brief after plaintiff has filed the
6 notice described below in paragraph 3.

7 3. Within twenty days of the filed date of this order, plaintiff shall file a document
8 informing the court: (a) when he was, or will be, returned to Folsom State Prison; and (b)
9 whether he has possession of his legal materials and medical records. If plaintiff does not have
10 possession of his legal materials and/or medical records, he shall explain what he has done to
11 obtain them.

12 4. Plaintiff's request for service of the first amended complaint on G. Chuckorski (ECF No.
13 138) is granted. Because defendants counsel has informed the court that the OAG will accept
14 service of process on behalf of G. Chuckorski, the Clerk of the Court is directed to serve this
15 order via email on defendants' counsel, along with a summons, the first amended complaint (ECF
16 No. 107), and a copy of the form Consent to Proceed Before a United States Magistrate Judge.
17 Within 30 days of the date of service of this order, the OAG shall file either a waiver of service for
18 defendant Chuckorski or a notice that Chuckorski will not waive service. If defendant
19 Chuckorski waives service, then they must file an answer to the first amended complaint with 30
20 days after the waiver of service is filed. If defendant Chuckorski does not waive service, then the
21 U.S. Marshal will be instructed to personally serve Chuckorski.

22 5. The Clerk of the Court shall add defendant G. Chuckorski to the docket in this matter.

23 6. Defendants' motion to modify the dispositive motion deadline (ECF No. 153) is granted.
24 The deadline for filing dispositive motions is vacated.

25 Dated: March 21, 2022

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DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE