

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No.: CV 16-02129-SJO (RAOx) Date: August 9, 2017
Title: Cory Spencer, et al. v. Lunada Bay Boys, et al.

Present: The Honorable **ROZELLA A. OLIVER, U.S. MAGISTRATE JUDGE**

Sandra L. Butler N/A
Deputy Clerk Court Reporter / Recorder

Attorneys Present for Plaintiff(s): Attorneys Present for Defendant(s):
N/A N/A

Proceedings: (In Chambers) **MINUTE ORDER DENYING MOTIONS TO COMPEL [392][393]**

On August 7, 2017, Plaintiffs filed a Motion to Compel Defendant Sang Lee’s Production of Documents (Dkt. No. 392) and a Motion to Compel Defendant Chief Kepley to Produce Documents (Dkt. No. 393). Both motions are brought “pursuant to the discussion between counsel and [this Court] at the hearing held on July 26, 2017.” Dkt. Nos. 392, 393.

District Judge Otero’s Initial Standing Order in this case states that “discovery must be **completed** by the discovery cut-off set by the Court. Any motion challenging the adequacy of discovery responses must be calendared sufficiently in advance of the cut-off date to permit any compelled responses to be obtained before that date.” Dkt. No. 9 at 8-9 (emphasis in original). The discovery cut-off in this case was August 7, 2017. Dkt. No. 120. Although filed on the cut-off date, the two motions to compel are untimely because they were not calendared sufficiently in advance of the cut-off date for the compelled discovery to be obtained before the cut-off date. Accordingly, the motions to compel are **DENIED** as untimely.

The Court acknowledges that, at the July 26, 2017 telephonic hearing, counsel and the Court discussed the possibility of further discovery motions being brought by Plaintiffs. However, this Court does not have the authority to modify or amend District Judge Otero’s initial standing order or scheduling order. The Court notes that Plaintiffs have filed a Motion for Administrative Relief Pursuant to Federal Rule of Civil Procedure 56(d) and have requested that the District Court either deny Defendants’ motions for summary judgment or “allow Plaintiffs enough time to resolve all of the discovery disputes, gather the required information, and file supplemental oppositions to the motions for summary judgment.” See Dkt. No. 397 at 17. If

