

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
CALIFORNIA

Hash v. Faggianelli

Hash · No. 2:17-cv-1721 TLN AC P · Decided March 31, 2025

SUMMARY

The United States District Court for the Eastern District of California resolves several discovery-related motions in Lawrence George Hash’s 42 U.S.C. § 1983 action. The court grants defendants Faggianelli and Schwimmer an extension of time to respond to requests for admission, denies defendant Perera’s extension motion as unnecessary, denies Hash’s motions for reconsideration, and denies Hash’s motion to compel discovery.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Eastern District of California                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| WRITING FOR THE COURT | Allison Claire                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| JURISDICTION          | United States District Court for the Eastern District of California                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| DECIDED               | March 31, 2025                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| DOCKET                | 2:17-cv-1721 TLN AC P                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| PROCEDURAL POSTURE    | In a prisoner civil-rights action under 42 U.S.C. § 1983, the court resolved multiple discovery-related motions, motions for extensions of time, a motion for sanctions, a motion to compel, and motions for reconsideration.                                                                                                                                                                                                                                                                         |
| STANDARD OF REVIEW    | Discovery is governed by the relevance and proportionality limits of Federal Rule of Civil Procedure 26(b)(1), including the limitations in Rule 26(b)(2)(C). A party seeking to compel discovery bears the burden of showing relevance or substantial prejudice from denial. Motions for reconsideration must satisfy Local Rule 230(j) by identifying new or different facts, circumstances, or other grounds that were not previously presented and explaining why they were not previously shown. |
| PRECEDENTIAL VALUE    | nonprecedential                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| PARTIES               | Lawrence George Hash v. Faggianelli, et al.                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

## TOPICS

discovery dispute

motion for reconsideration

sanctions

section 1983

prisoners rights

## PRACTICE AREAS

civil procedure

prisoner civil rights

## QUESTIONS PRESENTED

1. Whether defendants Faggianelli and Schwimmer should receive an extension of time, nunc pro tunc, to respond to plaintiff's requests for admission and whether their admissions should be withdrawn or amended.
2. Whether defendant Perera should receive an extension of time to respond to plaintiff's requests for production.
3. Whether plaintiff was entitled to file a sur-reply or obtain sanctions.
4. Whether plaintiff's motion to compel approximately 962 discovery responses should be granted.
5. Whether plaintiff's motions for reconsideration of prior rulings on an extension of time and appointment of counsel should be granted.

## HOLDINGS

1. The court had authority to grant an extension nunc pro tunc, defendants were entitled to rely on the parties' initial agreement to a June 7, 2023 response deadline, and their responses were deemed timely.
2. The extension motion was denied as unnecessary because the record did not establish that the November 15, 2022 request for production containing thirty-three requests had been timely or properly served, and defendant had already responded to the request that was received.
3. The motion to compel was denied because defendants' responses to the requests for admission, interrogatories, and requests for production were sufficient, and plaintiff could not use a motion to compel to require defendants to adopt his version of events or provide a different type of response.
4. The motions for reconsideration were denied because plaintiff presented no new or different facts or circumstances warranting a different result.

## KEY QUOTATIONS

*"Defendants are not required to adopt plaintiff's version of events as the truth, and the court cannot compel a defendant to provide a specific response to a request for admission or interrogatory."* (at 10)

*"Plaintiff's motion to compel is denied and defendants are not required to provide any further responses absent their continuing obligation to supplement their responses should additional information or documents be discovered."* (at 13)

## FACTUAL BACKGROUND

Plaintiff, a state prisoner proceeding pro se, served extensive discovery requests concerning his allegations that prison officials retaliated against him, interfered with his property and court access, and subjected him to unsafe and unsanitary conditions. He challenged approximately 962 discovery responses and alleged that defendants had acted in bad faith by denying receipt of certain requests and by providing allegedly incomplete or untruthful responses. Defendants produced or addressed the discovery, and the court found that their responses, objections, and inquiries were generally sufficient, while many of plaintiff's requests were overbroad, burdensome, irrelevant, or sought documents that did not exist.

## PROCEDURAL HISTORY

Plaintiff filed extensive discovery motions and disputes concerning requests for admission, interrogatories, and requests for production. After an informal discovery conference and prior orders setting briefing schedules and addressing extensions, defendants moved for extensions of time and to withdraw or amend admissions, and plaintiff moved to compel, for sanctions, and for reconsideration. The court granted an extension of time nunc pro tunc for defendants Faggianelli and Schwimmer, denied or found moot the remaining requested relief, denied plaintiff's motion to compel and motions for reconsideration, and permitted dispositive motions to be filed within forty-five days.

## DISPOSITION

other

## CASES CITED

- United States v. Procter & Gamble Co., 356 U.S. 677, 682 (1958)
- Hickman v. Taylor, 329 U.S. 495, 501 (1947)
- Aros v. Fansler, 548 F. App'x 500, 501 (9th Cir. 2013)
- Hallett v. Morgan, 296 F.3d 732, 751 (9th Cir. 2002)
- Blankenship v. Hearst Corp., 519 F.2d 418, 429 (9th Cir. 1975)
- Johnson v. Sandy, 2014 WL 4631642, at \*12, 2014 U.S. Dist. LEXIS 129810, at \*7-8 (E.D. Cal. Sept. 15, 2014)
- Johnson v. Sandy, 2014 WL 7335228, 2014 U.S. Dist. LEXIS 178338 (E.D. Cal. Dec. 19, 2014)

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