

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Landreth v. Lehil

Landreth · No. 2:20-CV-00472-DMC-P · Decided March 13, 2023

SUMMARY

This order addresses a pro se prisoner’s motions concerning discovery in a 42 U.S.C. § 1983 action involving the prescribing of transition or tinted eyeglass lenses. The court denies sanctions and further responses concerning several discovery requests directed to Defendant Posson, while granting in part and denying in part requests for additional discovery and related relief concerning Defendants Carrick and Posson. The court applies Federal Rules of Civil Procedure 26, 36, and 37 and discusses the scope of discovery, sufficiency of responses, and document control.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dennis M. Cota
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 13, 2023
DOCKET	2:20-CV-00472-DMC-P
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to compel further discovery responses, sought discovery sanctions, requested reconsideration of a prior discovery order, and sought changes to discovery deadlines in a pending 42 U.S.C. § 1983 prisoner civil-rights action.
STANDARD OF REVIEW	Discovery matters, including motions to compel, are reviewed and managed under the district court's broad discretion. The moving party bears the burden of identifying the requests and disputed responses, explaining deficiencies and unjustified objections, and showing relevance; the opposing party bears the burden of supporting objections.
PRECEDENTIAL VALUE	unpublished, nonprecedential district-court order
PARTIES	Brandon Michael Landreth v. Bhupinder Lehil, Posson, Carrick

TOPICS

discovery dispute

sanctions

civil procedure

prisoners rights

section 1983

PRACTICE AREAS

civil procedure

civil rights

prisoner litigation

discovery

QUESTIONS PRESENTED

1. Whether Defendant Posson was required to provide additional answers to interrogatories concerning criteria for transition lenses, tinted lenses, communications with Dr. Ottenbacher, and a request for admission concerning ultraviolet-light exposure.
2. Whether Plaintiff was entitled to sanctions based on Defendant Posson's discovery responses.
3. Whether Defendant Carrick was required to supplement his response to a request for production seeking documents from a 2015 Durable Medical Equipment Committee meeting.
4. Whether Defendant Carrick was required to supplement his response to an interrogatory concerning efforts to clarify expectations under a 2015 memorandum.
5. Whether Plaintiff was entitled to additional discovery, an extension of discovery deadlines, or an in-camera review of allegedly privileged documents.

HOLDINGS

1. A party has fully responded to an interrogatory when the response explains the requested criteria or medical-necessity determination; a disagreement with the substance or truth of the response does not justify compelling a further response.
2. A specific denial satisfies Federal Rule of Civil Procedure 36 when the responding party does not admit the matter; the court will not determine the truth or accuracy of the denial on a motion to compel.
3. Discovery sanctions were unwarranted because Defendant Posson complied with the court's prior order and provided sufficient supplemental responses.
4. A party responding to a document request must conduct a reasonable and diligent inquiry and must produce responsive documents within its possession, custody, or control, including documents over which it has constructive control; if no documents exist, the party must state that fact with sufficient specificity.
5. A response stating only that clarification was unnecessary does not fully answer an interrogatory asking what efforts were made to clarify expectations; the responding party must provide a further response addressing the efforts made.
6. The remaining requests for further responses, additional discovery, an extension of discovery deadlines, and in-camera review were denied because responses had been served, the requested relief was unnecessary or unsupported, or the documents were not responsive or had not been shown to exist.

KEY QUOTATIONS

“The purpose of discovery is to “remove surprise from trial preparation so the parties can obtain evidence necessary to evaluate and resolve their dispute.”” (at 1)

“A party responding to a document request is under an affirmative duty to seek information reasonably available to him from his employees, agents, or others subject to his control, not just that information within his immediate knowledge or possession.” (at 12)

“Defendant Carrick shall serve further responses to this request within thirty days of the date of this order.” (at 16)

“The responsive, but missing, answer is what efforts were made—not why no efforts were made.” (at 20)

FACTUAL BACKGROUND

Plaintiff, a California prisoner proceeding pro se, sought discovery concerning medical criteria and policies for prescribing transition, tinted, and pigmented eyeglass lenses. Defendants provided supplemental interrogatory responses and document-production responses, some of which Plaintiff contended were evasive, incomplete, false, or inconsistent with public-records materials and email evidence. The court determined that most responses were sufficient, but found Defendant Carrick's responses to one request for production and one interrogatory incomplete.

PROCEDURAL HISTORY

The court had previously granted in part and denied in part an earlier motion to compel and ordered Defendants Posson and Carrick to provide additional discovery responses. Plaintiff then filed three additional discovery motions concerning Defendants Posson, Carrick, and Lehil. The court denied Motion 1, granted Motion 2 in part and denied it in part, and denied Motion 3.

DISPOSITION

other

CASES CITED

- United States v. Chapman Univ., 245 F.R.D. 646, 648 (C.D. Cal. 2007)
- Hunt v. County of Orange, 672 F.3d 606, 616 (9th Cir. 2012)
- Avila v. Willits Environmental Remediation Trust, 633 F.3d 828, 833 (9th Cir. 2011)
- McCoy v. Ramirez, 2016 U.S. Dist. LEXIS 75435, 2016 WL 3196738, at *1 (E.D. Cal. June 9, 2016)
- Ellis v. Cambra, 2008 U.S. Dist. LEXIS 24418, 2008 WL 860523, at *4 (E.D. Cal. Mar. 27, 2008)
- Bryant v. Ochoa, 2009 U.S. Dist. LEXIS 42339, 2009 WL 1390794, at *1 (S.D. Cal. May 14, 2009)
- Hoffman v. Jones, 2017 WL 5900086, at *8 (E.D. Cal. Nov. 30, 2017), report and recommendation adopted, 2018 WL 497370 (E.D. Cal. Jan. 22, 2018)
- Jacobs v. Quinones, 2015 WL 3717542, at *8 (E.D. Cal. June 12, 2015)
- Jefferson v. Perez, 2012 WL 671917, at *1 (E.D. Cal. 2012)
- Owens v. Degazio, 2019 WL 4929812, at *5 (E.D. Cal. Oct. 7, 2019)

- Allen v. Woodford, 2007 WL 309945, at *6 (E.D. Cal. Jan. 30, 2007), modified on reconsideration, 2007 WL 9747771 (E.D. Cal. Mar. 16, 2007)
- In re Flag Telecom Holdings, Ltd. Securities Litigation, 236 F.R.D. 177, 181 (S.D.N.Y. 2006)
- Meeks v. Parsons, 2009 WL 3003718, at *4 (E.D. Cal. Sept. 18, 2009)
- Zackery v. Stockton Police Department, 2007 WL 1655634, at *3-4 (E.D. Cal. June 7, 2007)
- Hunter v. Ogbuehi, 2018 WL 1243421, at *10-11 (E.D. Cal. Mar. 9, 2018)
- Pulliam v. Lozano, 2011 WL 335866 (E.D. Cal. Jan. 31, 2011)
- Mitchell v. Adams, 2009 WL 674348, at *9 (E.D. Cal. Mar. 6, 2009)
- Perkins v. City of Modesto, 2020 WL 1333109, at *9 (E.D. Cal. Mar. 23, 2020)
- Hartline v. National University, 2018 WL 1014611, at *3 (E.D. Cal. Feb. 22, 2018)
- Gray v. Faulkner, 148 F.R.D. 220, 223 (N.D. Ind. 1992)
- Kaur v. Alameida, 2007 WL 1449723, at *2 (E.D. Cal. May 15, 2007)
- Uribe v. McKesson, 2010 WL 892093, at *2-3 (E.D. Cal. Mar. 9, 2010)
- Rogers v. Giurbino, 288 F.R.D. 469, 485 (S.D. Cal. 2012)
- Ochotorena v. Adams, 2010 WL 1035774, at *3-4 (E.D. Cal. Mar. 19, 2010)
- Logtale, Ltd. v. IKOR, Inc., 2013 WL 3967750, at *2 (N.D. Cal. 2013)
- Gorrell v. Sneath, 292 F.R.D. 629, 632 (E.D. Cal. 2013)
- L.H. v. Schwarzenegger, 2007 WL 2781132, at *2 (E.D. Cal. 2007)
- Baker v. Moore, 2016 WL 796504, at *6 (E.D. Cal. Mar. 1, 2016)
- Lopez v. Florez, 2013 WL 1151948, at *3 (E.D. Cal. Mar. 19, 2013)
- McGinnis v. Atkinson, 2012 WL 1944801, at *3 (E.D. Cal. May 29, 2012)
- United States v. Zolin, 491 U.S. 554, 569-75 (1989)
- In re Grand Jury Investigation, 974 F.2d 1068, 1074-75 (9th Cir. 1992)
- Scott v. Palmer, 2014 WL 6685810, at *7 (E.D. Cal. Nov. 26, 2014)

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