

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Brummett v. Sherman

Brummett · No. 1:20-cv-00622-HBK (PC) · Decided May 22, 2025

SUMMARY

The United States District Court for the Eastern District of California denied Plaintiff Melvin Ray Brummett Jr.'s motion to compel discovery. The court found that the document-production dispute had been resolved and that Plaintiff failed to identify specific deficiencies in Defendants' interrogatory responses or meet his burden to compel further discovery.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Helena M. Barch-Kuchta
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 22, 2025
DOCKET	1:20-cv-00622-HBK (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to compel discovery under Federal Rule of Civil Procedure 37(a), challenging Defendants' responses to interrogatories. After the parties met and conferred, the document-production dispute was resolved, but a dispute concerning the interrogatory responses remained.
STANDARD OF REVIEW	A party moving to compel discovery bears the initial burden of demonstrating that the requested discovery is relevant, necessary, and improperly withheld.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court order
PARTIES	Melvin Ray Brummett Jr. v. Stuart Sherman, D. Lopez, G. Beard, E. Aguirre, P. Garcia, Nkiruka Ndu

TOPICS

- discovery dispute
- civil procedure
- prisoners rights
- section 1983

PRACTICE AREAS

civil procedure

civil rights

prisoner litigation

QUESTIONS PRESENTED

1. Whether Plaintiff satisfied his initial burden to obtain an order compelling more complete responses to his interrogatories under Federal Rules of Civil Procedure 33 and 37(a).
2. Whether the challenge to Interrogatory No. 10 was moot after Defendants agreed to search for and produce responsive medical records.

HOLDINGS

1. A party moving to compel discovery must adequately identify relevant, necessary information that was improperly withheld and articulate the deficiencies in the opposing party's responses. Plaintiff failed to do so, so the motion to compel was denied.
2. The challenge to Interrogatory No. 10 was moot because the parties resolved the underlying document-production dispute.

KEY QUOTATIONS

“Under Federal Rule of Civil Procedure 33, a party may serve written interrogatories that seek information relevant to the claims or defenses in the case.” (at 1)

“Because Plaintiff has not adequately articulated the alleged deficiencies in Defendants’ responses, the Court finds that he has not met his initial burden to compel discovery.” (at 2)

“Plaintiff’s motion to compel discovery (Doc. No. 64) is denied.” (at 2)

FACTUAL BACKGROUND

Plaintiff sought information through interrogatories concerning his claims against Defendant Akabike and challenged Defendants' responses as containing boilerplate objections. The motion also concerned requests for production embedded in several interrogatories, but Defendants agreed to search for and produce responsive medical records concerning Plaintiff's hospital visit. Plaintiff did not identify which specific interrogatory responses improperly withheld relevant information, apart from Interrogatory No. 10, which became moot after the document-production issue was resolved.

PROCEDURAL HISTORY

Plaintiff filed a motion to compel on January 30, 2025. Defendants opposed, Plaintiff replied, and the Court ordered a telephonic meet-and-confer. The parties reported that Defendants would search for and produce responsive medical records, mooting the document-production dispute. The Court denied the remaining motion because Plaintiff did not identify which interrogatory responses improperly withheld relevant information.

DISPOSITION

other

CASES CITED

- Duran v. Cnty. of Riverside, 2024 WL 5260940, at *2 (C.D. Cal. Nov. 22, 2024)
- United States v. McGraw–Hill Cos., 2014 WL 1647385, at *8 (C.D. Cal. Apr. 15, 2014)

OPINION

(PC) Brummett v. Sherman

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 MELVIN RAY BRUMMETT JR., Case No. 1:20-cv-00622-HBK (PC) 12 Plaintiff, ORDER
DENYING PLAINTIFF’S MOTION TO
COMPEL DISCOVERY

13 v. (Doc. No. 64) 14 STUART SHERMAN, D. LOPEZ, G.

BEARD, E. AGUIRRE, P. GARCIA, and

15 NKIRUKA NDU,

16 Defendants. 17

18 19 Pending before the Court is Plaintiff’s motion to compel discovery filed January 30, 2025.
20 (Doc. No. 64, “Motion”). Defendants timely filed an opposition (Doc. No. 67), and Plaintiff
filed 21 a reply. (Doc. No. 70). Prior to ruling on the pending discovery dispute, the Court required
the 22 parties to meet and confer telephonically in an effort to resolve the contested discovery
issues. 23 (Doc. No. 75). On May 8, 2025, the parties filed a joint statement indicating that
Defendants 24 have agreed to search for medical records related to Plaintiff’s hospital visit and
produce all 25 responsive documents in their possession, rendering Court intervention unnecessary
for document 26 production. (Doc. No. 78). However, a dispute remains as to “Defendants’
responses to 27 Plaintiff’s Interrogatories.” (Id. at 2). For the reasons set for below, the Court
denies the Motion. 28 //// 1 Under Federal Rule of Civil Procedure 33, a party may serve written
interrogatories that 2 seek information relevant to the claims or defenses in the case. The
responding party must 3 answer each interrogatory fully and in writing under oath, unless proper
objections are asserted. 4 Fed. R. Civ. P. 33(b). Federal Rule of Civil Procedure 37(a) permits a
party to move to compel 5 discovery when an opposing party fails to provide adequate responses.
The burden is on the 6 moving party to demonstrate that the requested discovery is relevant,
necessary, and improperly 7 withheld. See Duran v. Cnty. of Riverside, 2024 WL 5260940, at *2
(C.D. Cal. Nov. 22, 2024). 8 If the movant has met the initial burden, “the party opposing
discovery has the burden of showing 9 that discovery should not be allowed, and also has the

burden of clarifying, explaining and 10 supporting its objections with competent evidence.” See United States v. McGraw–Hill Cos., 11 2014 WL 1647385, at *8 (C.D. Cal. Apr. 15, 2014). 12 Plaintiff argues that Defendants’ responses to his interrogatories consist of boilerplate 13 objections that fail to provide substantive explanations for their positions. (Doc. No. 64 at 4). 14 Plaintiff contends that the interrogatories seek critical information related to his claims against 15 Defendant Akabike. (Id.). However, Plaintiff asserts only a generalized objection to all 16 interrogatories and only specifically mentions Interrogatory No. 10, which states: “Will you 17 furnish copies, or other reproduction of each item listed above, without a motion to produce?” (Id. 18 at 4, 7, 34). Since the parties have resolved Plaintiff’s challenge regarding document production, 19 the Court finds this issue moot as to Interrogatory No. 10. Moreover, a review of Defendants’ 20 responses indicates that many interrogatories also include requests for document production—an 21 issue that has already been resolved between the parties. (See id. at 27-34; see also Doc. No. 78). 22 Regarding his generalized objection to the interrogatory responses, Plaintiff fails to 23 specify which responses improperly withheld relevant information concerning his claim against 24 Defendant Akabike. Because Plaintiff has not adequately articulated the alleged deficiencies in 25 Defendants’ responses, the Court finds that he has not met his initial burden to compel discovery. 26 See Duran, 2024 WL 5260940, at *2. Thus, the Motion is due to be denied. 27 //// 28 //// 1 Accordingly, it is now ORDERED: 2 Plaintiff's motion to compel discovery (Doc. No. 64) is denied. 3 * | Dated: _ May 21, 2025 Wiha Th. Doareh Hack
5 HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE
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