

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

OPINION

(PC) Brummett v. Sherman

PER CURIAM.

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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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