

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Dayal v. County of Kern

Dayal · No. 1:24-cv-00039 JLT EPG · Decided June 26, 2025

SUMMARY

The United States District Court for the Eastern District of California denied Defendants’ request for reconsideration of a magistrate judge’s discovery order under Federal Rule of Civil Procedure 72(a). The court found no clearly erroneous or legally contrary ruling and reminded the parties of their continuing discovery obligations under Rule 26.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	June 26, 2025
DOCKET	1:24-cv-00039 JLT EPG
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved under Federal Rule of Civil Procedure 72(a) for reconsideration of a magistrate judge's pretrial discovery order denying an extension of Plaintiff's deposition and permitting a limited deposition of a third-party witness after the discovery cutoff.
STANDARD OF REVIEW	Under 28 U.S.C. § 636(b)(1)(A), Federal Rule of Civil Procedure 72(a), and Local Rule 303(f), factual findings in a magistrate judge's pretrial ruling are reviewed under the significantly deferential clearly erroneous standard, while legal conclusions are reviewed de novo for whether they are contrary to law.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status not stated
PARTIES	County of Kern, et al. v. Nishi Dayal

TOPICS

- motion for reconsideration
- discovery dispute
- civil procedure
- employment discrimination
- ada / disability

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the magistrate judge's discovery order was clearly erroneous or contrary to law such that reconsideration was warranted.
2. Whether Defendants established good cause for expanded or post-deadline discovery.

HOLDINGS

1. A district judge may reconsider a magistrate judge's pretrial ruling only if it is clearly erroneous or contrary to law; factual findings receive significantly deferential review, while legal conclusions are reviewed de novo.
2. Reconsideration was unwarranted because Defendants identified no clearly erroneous or legally erroneous ruling and merely repeated arguments previously presented to the magistrate judge.

KEY QUOTATIONS

"This requires the district judge to be left with the definite and firm conviction that the magistrate judge has made a mistake before the district judge may reconsider the magistrate judge's order." (at 1)

"Because the Court can identify no obviously erroneous rulings in the magistrate judge's Discovery Order, the motion for reconsideration (Doc. 44) is DENIED." (at 2)

FACTUAL BACKGROUND

Nishi Dayal, an attorney formerly employed by the Kern County District Attorney's Office, asserted employment and disability discrimination and retaliation claims. Defendants sought to depose Dayal beyond the default seven-hour limit and after the discovery cutoff, and also sought to depose a third-party witness after the cutoff because the witness allegedly evaded service of a subpoena. The magistrate judge denied reopening Dayal's deposition but allowed the limited third-party deposition.

PROCEDURAL HISTORY

Plaintiff brought state and federal employment and disability discrimination and retaliation claims against the Kern County District Attorney's Office, Kern County, and County employees. The parties submitted a joint discovery dispute concerning additional depositions and agreed that the magistrate judge would decide it subject to reconsideration under Rule 72(a). The magistrate judge denied reopening Plaintiff's deposition but permitted a limited third-party deposition. Defendants sought reconsideration, and the district court denied the request.

DISPOSITION

other

CASES CITED

- *Khrapunov v. Prosyankin*, 931 F.3d 922, 931 (9th Cir. 2019)

- Grimes v. City of San Francisco, 951 F.2d 236, 240-41 (9th Cir. 1991)
- Security Farms v. International Brotherhood of Teamsters, 124 F.3d 999, 1014 (9th Cir. 1997)
- Avalos v. Foster Poultry Farms, 798 F. Supp. 2d 1156, 1160 (E.D. Cal. 2011)
- Calderon v. Experian Information Solutions, Inc., 290 F.R.D. 508, 511 (D. Idaho 2013)

OPINION

Dayal v. County of Kern

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10

NISHI DAYAL, No. 1:24-cv-00039 JLT EPG

11 Plaintiff, ORDER DENYING REQUEST FOR

12 RECONSIDERATION OF DISCOVERY

v. ORDER 13 COUNTY OF KERN, et al., (Doc. 44) 14 Defendants. 15 16 17 Nishi Dayal, an attorney formerly employed by the Kern County District Attorney’s 18 Office, brings state and federal employment and disability discrimination and retaliation claims 19 against that Office, the County of Kern, and various County employees. (Doc. 1.) On March 26, 20 2025, the parties submitted a joint discovery dispute letter to the assigned magistrate judge 21 addressing Defendants’ request to: (1) further depose the Plaintiff beyond the default seven hours 22 and outside the discovery cutoff; and (2) allow the deposition of a third-party witness after the 23 discovery cutoff due to the witness’ evasion of service of a Defense subpoena. (Doc. 41.) The 24 parties agreed to have the magistrate judge decide the dispute while retaining the right to seek 25 reconsideration under Federal Rule of Civil Procedure 72(a). (See Doc. 44 at 4.) 26 On March 28, 2025, the assigned magistrate judge issued an order denying the request to 27 re-open Plaintiff’s deposition and permitting the limited deposition of the third party. (Doc. 43 28 (“Discovery Order”).) Defendants timely moved for reconsideration of both rulings. (Doc. 44.) 1 | Plaintiff responded. (Doc. 45.)! 2 When a party seeks reconsideration of a magistrate judge’s pretrial ruling, a district judge 3 | must apply the “clearly erroneous or contrary to law” standard. 28 U.S.C. § 636(b)(1)(A); Fed. R. 4 | Civ. P. 72(a); Khrapunov vy. Prosyankin, 931 F.3d 922, 931 (9th Cir. 2019); Grimes v. City of San 5 || Francisco, 951 F.2d 236, 240-41 (9th Cir. 1991); L.R. 303(f). The “clearly erroneous” standard 6 || applies to the magistrate judge’s factual findings and is “significantly deferential.” Security 7 | Farms vy. Int’l Bhd. of Teamsters, 124 F.3d 999, 1014 (9th Cir. 1997); Avalos v. Foster Poultry 8 | Farms, 798 F. Supp. 2d 1156, 1160 (E.D. Cal. 2011). This requires the district judge to be left 9 | with the definite and firm conviction that the magistrate judge has made a mistake before the 10 | district judge may reconsider the magistrate judge’s order. Avalos, 798 F. Supp. 2d at 1160. 11 | “Legal conclusions are reviewable de novo to

determine whether they are contrary to law.” 12 | Calderon v. Experian Info. Solutions, Inc., 290 F.R.D. 508, 511 (D. Idaho 2013). “An order is 13 | contrary to law when it fails to apply or misapplies relevant statutes, case law, or rules of 14 | procedure.” Jd. (internal quotation and citation omitted). 15 Though the motion for reconsideration mentions the relevant standard (Doc. 44 at 11), it 16 | does not argue why the magistrate ran afoul of it. Instead, the Defense reiterates previously 17 | articulated arguments in a second attempt to demonstrate good cause for the expanded discovery. 18 | Because the Court can identify no obviously erroneous rulings in the magistrate judge’s 19 || Discovery Order, the motion for reconsideration (Doc. 44) is DENIED. All parties are 20 | reminded that their obligations under Federal Rule of Civil Procedure 26 are ongoing and 21 | that the Court will not permit either side to use at trial any evidence that should have been 22 | produced during discovery, but which was not produced. 23 IT IS SO ORDERED. 25 | Dated: _ June 26, 2025 Charis [Tourn

TED STATES DISTRICT JUDGE

26 27 28 ' The Court notes that new counsel has since substituted in for the Defense. (Docs 56, 58.)