

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

OPINION

Dayal v. County of Kern

PER CURIAM.

1 2 3 4 5 6 7

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.)