

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Jimmy Gettings v. County of Shasta, et al.

Gettings · No. 2:21-cv-01139-DJC-SCR · Decided March 18, 2025

SUMMARY

The United States District Court for the Eastern District of California granted Defendants’ motions to compel responses to interrogatories and requests for production in an action involving alleged unlawful searches and seizures, excessive force, and malicious prosecution. The Court ordered Plaintiff to provide discovery responses by April 7, 2025, and found that untimely objections were waived. The Court also awarded Defendants \$945 in fees, assessing the amount against Plaintiff’s counsel rather than Plaintiff.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sean C. Riordan
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 18, 2025
DOCKET	2:21-cv-01139-DJC-SCR
DISPOSITION	other
PROCEDURAL POSTURE	During fact discovery in a civil-rights action, Defendants moved to compel Plaintiff's responses to interrogatories and requests for production. The court granted both motions and awarded Defendants \$945 in fees against Plaintiff's counsel.
STANDARD OF REVIEW	The court applied the Federal Rules of Civil Procedure governing discovery scope, proportionality, cumulative or duplicative discovery, waiver of untimely objections, and expenses on motions to compel.
PRECEDENTIAL VALUE	unpublished

TOPICS

- discovery dispute
- sanctions
- waiver
- civil procedure
- section 1983

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Defendants were entitled to an order compelling Plaintiff to answer the interrogatories after Plaintiff failed to respond or object by the deadline.
2. Whether Defendants were entitled to an order compelling Plaintiff to respond to the requests for production despite the volume and potentially duplicative nature of the requests.
3. Whether Plaintiff's failure to timely object waived objections to the interrogatories and requests for production.
4. Whether Defendants were entitled to reasonable expenses under Federal Rule of Civil Procedure 37(a)(5)(A), and whether the award should be assessed against Plaintiff or his counsel.

HOLDINGS

1. Defendants' motion to compel interrogatory responses was granted, and Plaintiff was ordered to provide responses by April 7, 2025.
2. Plaintiff waived objections to the interrogatories and requests for production by failing to assert them timely.
3. Defendants' motion to compel responses to the requests for production was granted, and Plaintiff was ordered to produce responsive documents by April 7, 2025, on a rolling basis when documents were ready.
4. Defendants were awarded \$945 in total fees for both motions, and Plaintiff's counsel, rather than Plaintiff, was ordered to pay the award by April 7, 2025.

KEY QUOTATIONS

“Any ground not stated in a timely objection is waived unless the court, for good cause, excuses the failure.”
(at 2)

“The nearly 100 requests for production served by Defendants do not serve that purpose, and may not be in proportion to the needs of the case.” (at 3)

FACTUAL BACKGROUND

Plaintiff's action concerns alleged illegal searches and seizures, excessive force, and malicious prosecution arising from interactions with Shasta County personnel on three occasions in July 2019. Defendants served interrogatories and nearly 100 requests for production on November 27, 2024. Plaintiff did not timely respond, request an extension, or object, and did not file an opposition to Defendants' motions to compel.

PROCEDURAL HISTORY

Plaintiff filed claims arising from three July 2019 encounters with Shasta County Sheriff's deputies and animal-control officers. After Defendants served interrogatories and requests for production on November 27, 2024,

Plaintiff failed to respond or object by the December 27, 2024 deadline. Defendants moved to compel, Plaintiff filed no written opposition, and the magistrate judge granted both motions after a March 13, 2025 hearing.

DISPOSITION

other

CASES CITED

- Williams v. Condensed Curriculum Int'l, 2021 WL 6621071, at *3 n.2 (N.D. Cal. Dec. 29, 2021)

OPINION

1 2 3 4 5 6 7 8 9 UNITED STATES DISTRICT COURT 10 FOR THE EASTERN DISTRICT OF
CALIFORNIA 11 JIMMY GETTINGS, No. 2:21-cv-01139-DJC-SCR 12 Plaintiff, 13 ORDER
GRANTING MOTIONS TO 14 v. COMPEL 15 COUNTY OF SHASTA, et al., 16 17 Defendants.
18 19 I. Introduction 20 In this action Plaintiff brings claims concerning interactions with Shasta
County Sheriff’s 21 Deputies and Animal Control Officers on three occasions in July 2019.

ECF No. 50 at 1. 22 Plaintiff alleges he was illegally searched and seized, subjected to excessive
force, and 23 maliciously prosecuted. Id. A scheduling order has been entered, and the completion
of fact 24 discovery is set for April 11, 2025. ECF No. 57. Defendants have filed two motions to
compel, 25 seeking to compel responses to written interrogatories and requests for production.

ECF Nos. 62 26 & 63. Plaintiff did not file an opposition to either motion. The motions are
referred to the 27 undersigned pursuant to Local Rule 302(c)(1). The Court heard oral argument on
March 13, 28 1 2025. For the reasons stated at the hearing, and as further explained below, the
Court GRANTS 2 the motions to compel (ECF Nos. 62 & 63). 3 II. Motion to Compel
Interrogatory Responses 4 Defendants state they served the interrogatories on November 27, 2024,
and that 5 responses were due by December 27, 2024.

ECF No. 63 at 4. Defendants state they received no 6 response by the deadline, or request for
extension. Id. at 7. On January 15, 2025, defense 7 counsel sent correspondence proposing
Plaintiff respond by January 27, 2025. Id. Plaintiff’s 8 counsel sent a brief response to the email
correspondence, and indicated he would respond more 9 fully “in just a few minutes.” Id. at 7-8.

Defense counsel states she did not hear back, and called 10 Plaintiff’s counsel on February 4,
2025, to advise she intended to file a motion to compel. Id. at 11 8. Defendants filed the motion to
compel on February 5, 2025. 12 Plaintiff filed no written opposition to the motion to compel. At
the hearing, Plaintiff’s 13 counsel stated that he had no valid legal excuse for failing to respond,
but that serious personal 14 matters in the October to December 2024 timeframe put him behind in
preparing the response.

15 Plaintiff offered that he is now working on the responses and could respond by April 7, 2025.
16 The Court will GRANT the motion to compel (ECF No. 63) and direct that Plaintiff provide 17
responses to the interrogatories by April 7, 2025.

As Plaintiff failed to timely objection or seek 18 an extension, Plaintiff has waived objections. See
Fed. R. Civ. P. 33(b)(4) (“Any ground not 19 stated in a timely objection is waived unless the
court, for good cause, excuses the failure.”). 20 III. Motion to Compel Requests for Production 21
The requests for production were served at the same time as the interrogatories on 22 November
27, 2024, and the history of communications is the same as set forth above.

The 23 requests are numerous, nearly 100, and the vast majority appear to be redundant and
duplicative. 24 However, Plaintiff did not respond or object, or file a response to the motion to
compel. 25 Accordingly, the Court will GRANT the motion to compel (ECF No. 62) and direct
that Plaintiff 26 produce the documents no later than April 7, 2025. If Plaintiff has compiled and
reviewed 27 responsive documentation prior to that date, he shall produce the documents on a
rolling basis.

28 As Plaintiff failed to timely object to the requests for production, any objections are waived. 1
Despite Plaintiff’s failure to object, the Federal Rules of Civil Procedure allow the Court 2 on
motion “or on its own” to “limit the frequency or extent of discovery” that it finds to be 3
“unreasonably cumulative or duplicative.” Rule 26(b)(2)(C).

In assessing the scope of discovery, 4 the Court considers whether it is “proportional to the needs
of the case.” Rule 26(b)(1). The 5 parties also have an obligation under Rule 1 to endeavor to
“secure the just, speedy, and 6 inexpensive determination” of the action.

The nearly 100 requests for production served by 7 Defendants do not serve that purpose, and may
not be in proportion to the needs of the case. If 8 the number of documents to be produced in this
matter is relatively small, it may be appropriate, 9 in the interests of efficiency, for consolidate his
responses to multiple, substantively similar 10 requests.

In all events, the parties are encouraged to work cooperatively to facilitate discovery 11 without
further intervention of the Court. 12 IV. Award of Costs 13 Defendants seek an award of costs in
the amount of \$945 for bringing each motion. Rule 14 37(a)(5)(A) provides for an award of
“reasonable expenses incurred in making the motion, 15 including attorney’s fees,” if a motion to
compel is granted.

The Court finds it is not reasonable 16 to award fees for the preparation of both motions when the
motions and supporting materials are 17 quite similar. The Court will award \$945 in total for both
motions. As counsel has indicated that 18 it was his own scheduling difficulties that led to the
failure to respond, and not difficulty in 19 obtaining responses from his client, the Court will
assess the fee against counsel and not his 20 client.

See Williams v. Condensed Curriculum Int'l, 2021 WL 6621071 at *3 n.2 (N.D. Cal. Dec. 21 29, 2021) (noting that district courts “are given great latitude in imposing sanctions for discovery 22 abuse” and the court “has the option of holding responsible either the opponent or his counsel”). 23 V. Conclusion 24 Accordingly, IT IS HEREBY ORDERED THAT: 25 1. Defendants’ Motion to 26 Compel responses to requests for production (ECF No. 62) is 26 GRANTED.

Plaintiff shall provide responses no later than April 7, 2025. To the 27 extent Plaintiff has 28 compiled and reviewed responsive documentation prior to that 28 date, he shall produce the 29 documents on a rolling basis as soon as they are ready.] 2. Defendants’ Motion to Compel 30 interrogatory responses (ECF No. 63) is GRANTED. 2 Plaintiff shall provide responses by April 31 7, 2025.

3 3. The Court awards \$945.00 in fees. Plaintiffs counsel shall pay this amount to 4 Defendants by 5 no later than April 7, 2025. 5 SO ORDERED. 6 || DATED: March 17, 2025. mk 8 SEAN C. 9 RIORDAN 9 UNITED STATES MAGISTRATE JUDGE 10 1] 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28