

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION  
HON. DOUGLAS F. McCORMICK, U.S. MAGISTRATE JUDGE

**Tentative Ruling on Law & Motion Matters**

DATE: August 1, 2023

CASE: Certain Underwriters at Lloyd's, London v. Allied Professionals Ins. Co., Case No. SA CV 21-01123-CJC (DFMx)

RE: Plaintiff's Motion to Compel (Dkt. 67)

Underwriters moves to compel, seeking a wide range of relief. The joint stipulation accompanying Underwriters' motion did not include Allied's portion. Instead, I received a separate opposition. That opposition largely leaves unaddressed the specific issues and relief sought by Underwriters' motion.

The following are my tentative rulings on the specific relief sought by Underwriters' motion. Both sides should be prepared to discuss the tentative rulings at next Tuesday's hearing. In addition, Allied's counsel should come prepared with at least three available dates for Mr. Schroeder's deposition in the month of August, in the event I order him to appear for deposition in the next 30 days.

**Rule 26(a) disclosures.** I'm inclined to GRANT Underwriters' motion to compel with respect to Allied's Rule 26(a) disclosures and ORDER Allied to serve amended Rule 26(a) disclosures within fourteen (14) days of the date of this order fully identifying, by Bates number and date of production, all documents in its possession, custody, or control and on which it intends to use to supports its claims and defenses. See Fed. R. Civ. P. 26(a)(1)(A).

**Interrogatories.** I'm inclined to GRANT Underwriters' motion to compel with respect to Interrogatory Nos. 6-11 and ORDER Allied to serve supplemental responses, without objection, within fourteen (14) days of the date of this order.

**Requests For Production, Set One.** I'm inclined to GRANT Underwriters' motion to compel with respect to its Requests for Production, Set One, Nos. 2-7, 11-12, 16, 19-21, 23-26 and ORDER Allied to produce, within fourteen days of the date of this order, all non-privileged responsive documents to those RFPs in its possession, custody, or control. Any documents withheld based on attorney-client privilege and/or the work-product doctrine should be identified on a privilege log served contemporaneously with the production. Allied's other objections are OVERRULED.

**Requests for Production, Set Three.** I'm inclined to GRANT Underwriters' motion to compel with respect to Requests for Production, Set Three, Nos. 39 and 40, and ORDER Allied to provide a written response to those RFPs within fourteen days and produce all non-privileged, responsive documents to those RFPs in its possession, custody, or control at the same time. Any responsive documents withheld based on attorney-client privilege and/or the work-product doctrine should be identified on a privilege log served contemporaneously with the production.

**Schroeder Deposition.** Underwriters appear to request terminating sanctions in the form of an order striking Allied's affirmative defenses and counterclaims. Such an order will not come from me, but rather must come from the district judge on my recommendation. Terminating sanctions are not obtained easily. I have recommended terminating sanctions to the district judge in cases where a party (or a party's witness) has refused to appear for a deposition after I ordered them to appear. But that is not the situation here. I'm accordingly inclined to DENY Underwriters' request for terminating sanctions, but ORDER Schroeder to appear for his deposition within thirty days.