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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MARTIN S. ROOD,
Plaintiff(s),
v.
LIBERTY INSURANCE UNDERWRITERS,
INC.,
Defendant(s).

Case No.: 2:16-cv-02586-JAD-NJK

ORDER
[Docket No. 26]

Pending before the Court is Defendant’s motion to compel. Docket No. 26. Plaintiff filed a response in opposition. Docket No. 29. Defendant filed a reply. Docket No. 33. The Court finds the motion properly resolved without a hearing. See Local Rule 78-1. For the reasons discussed below, Defendant’s motion to compel is **GRANTED**.

“[B]road discretion is vested in the trial court to permit or deny discovery.” *Hallett v. Morgan*, 296 F.3d 732, 751 (9th Cir. 2002); see also *Crawford-El v. Britton*, 523 U.S. 574, 598 (1998). When a party fails to provide discovery and the parties’ attempts to resolve the dispute without Court intervention are unsuccessful, the opposing party may seek an order compelling that discovery. Fed. R. Civ. P. 37(a). The party seeking to avoid discovery bears the burden of showing why that discovery should not be permitted. *Blankenship v. Hearst Corp.*, 519 F.2d 418, 429 (9th Cir. 1975); see also *Carr v. State Farm Mut. Auto. Ins. Co.*, 312 F.R.D. 459, 469 (N.D. Tex. 2015) (addressing burdens following 2015 amendments to discovery rules). The party resisting discovery must specifically detail the reasons why each request is irrelevant or otherwise

1 objectionable, and may not rely on boilerplate, generalized, conclusory, or speculative arguments.
2 *See, e.g., F.T.C. v. AMG Servs., Inc.*, 291 F.R.D. 544, 552 (D. Nev. 2013). Arguments against
3 discovery must be supported by “specific examples and articulated reasoning.” *U.S. E.E.O.C. v.*
4 *Caesars Ent.*, 237 F.R.D. 428, 432 (D. Nev. 2006).

5 Defendant moves to compel further responses to written discovery from Plaintiff. In
6 particular, Defendant argues that Plaintiff’s responses provided to Interrogatories 2, 7, 8, 9, 12, 13
7 14, 15, 16, 17, and 18 are deficient. Docket No. 26 at 9-17. Defendant argues that Plaintiff has
8 also failed to verify his interrogatory responses. *Id.* at 9. Defendant further argues that Plaintiff’s
9 responses to Requests for Production 3, 4, 6, 9, 10, 11, and 12 are deficient. *Id.* at 17-22.

10 Tantamount to the schoolyard comeback of “I know you are, but what am I,” *see, e.g., Pee*
11 *Wee’s Big Adventure* (Warner Bros. 1985), Plaintiff provides no justification for his own discovery
12 responses and, instead, points to aspects of Defendant’s discovery responses that Plaintiff contends
13 are similar, *see* Docket No. 29 at 9-12.¹ Plaintiff cites no legal authority standing for the
14 proposition that he need not provide discovery that complies with the Federal Rules of Civil
15 Procedure based solely on purported discovery violations by the opposing party. The discovery
16 rules do not envision this kind of playground tantrum. *Cf.* Fed. R. Civ. P. 26(a)(1)(E) (“A party is
17 not excused from making its disclosures because . . . another party has not made its disclosures”);
18 *see also Public Health Equip. & Supply Co., Inc. v. Clarke Mosquito Control Prods., Inc.*, Case
19 No. SA-08-cv-0895 OG (NN), 2011 WL 2470059, at *2 (W.D. Tex. June 16, 2011) (an argument
20 of “unclean hands” has “no place in the analysis of a motion to compel brought pursuant to the
21 federal discovery rules”).²

22
23 ¹ Plaintiff fails to address many of the specific issues raised in the motion to compel. For
24 example, Defendant argues that Plaintiff improperly invoked the attorney-client privilege. Docket
25 No. 26 at 12-13. Plaintiff’s response provides no argument of any kind regarding that issue. *See*
26 Docket No. 29 at 9-12. Plaintiff has acquiesced in the granting of Defendant’s motion to compel
with respect to any argument that he failed to address in his response. *See Knickmeyer v. Nevada*
ex rel Eighth Judicial District Court, 173 F. Supp. 3d 1034, 1044 (D. Nev. 2016); *see also*
Kiessling v. Rader, Case No. 2:16-cv-0690-GMN-NJK, 2018 WL 1401972, at *3 (D. Nev. Mar.
20, 2018) (arguments are waived if not included in response to motion to compel).

27 ² Plaintiff brought his own motion to compel, which the Court denies without prejudice
28 through an order issued concurrently herewith. The Court expresses no opinion herein as to
whether Defendant’s discovery responses are improper.

