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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

TROAS V. BARNETT,

CASE NO. 1:05-cv-01022-GBC

Plaintiff,

DISCOVERY ORDER  
SCHEDULING ORDER

v.

DAVID NORMAN, et al.,

Unenumerated Rule 12(b) Motion Deadline - 12/20/2010  
Deadline to Amend Pleadings - 01/20/2011  
Discovery Cut-Off Date - 03/20/2011  
Dispositive Motion Deadline - 05/31/2011

Defendants.

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On October 19, 2010, Defendant Martin Gamboa has answered the amended complaint filed on October 30, 2008. The scheduling order is now amended to extend the deadline for Defendant Gamboa to submit an unenumerated 12(b) motion. Pursuant to Federal Rules of Civil Procedure 1, 16, and 26-36, discovery shall proceed as follows:

1. Discovery requests shall be served by the parties pursuant to Federal Rule of Civil Procedure 5 and Local Rule 135, and shall only be filed when required by Local Rules 250.2, 250.3, and 250.4;

2. Responses to written discovery requests shall be due forty-five (45) days after the request is first served;

3. To ensure that the responding party has forty-five (45) days after the request is first served to respond, discovery requests must be served at least forty-five (45) days before the discovery deadline;

4. Pursuant to Federal Rule of Civil Procedure 30(a)(2)(B), defendants may depose plaintiff

1 and any other witness confined in a prison upon condition that, at least fourteen (14) days before  
2 such a deposition, defendants serve all parties with the notice required by Federal Rule of Civil  
3 Procedure 30(b)(1); and

4 5. If disputes arise about the parties' obligations to respond to requests for discovery, the  
5 parties shall comply with all pertinent rules including Rules 5, 7, 11, 26, and 37 of the Federal Rules  
6 of Civil Procedure and Rules 110, 130, 131, 133, 135, 142, 144, and 230(l) of the Local Rules of  
7 Practice for the United States District Court, Eastern District of California. Unless otherwise  
8 ordered, Local Rule 251 shall not apply, and the requirement set forth in Federal Rules of Civil  
9 Procedure 26 and 37 that a party seeking relief from the court certify that he or she has in good faith  
10 conferred or attempted to confer with the other party or person in an effort to resolve the dispute  
11 prior to seeking court action shall not apply. Voluntary compliance with this provision of Rules 26  
12 and 37 is encouraged, however. A discovery motion that does not comply with all applicable rules  
13 will be stricken and may result in imposition of sanctions.

14 Further:

15 6. The parties are advised that the deadline for filing motions to dismiss for failure to exhaust  
16 the administrative remedies pursuant to the unenumerated portion of Federal Rule of Civil Procedure  
17 12(b) shall be 12/20/2010;

18 7. The deadline for amending the pleadings shall be 01/20/2011;

19 8. The parties are advised that the deadline for the completion of all discovery, including  
20 filing motions to compel, shall be 03/20/2011;

21 9. The deadline for filing pre-trial dispositive motions shall be 05/31/2011;<sup>1</sup>

22 10. **A request for an extension of a deadline set in this order must be filed on or before**  
23 **the expiration of the deadline in question; and**

24 11. **Extensions of time will only be granted on a showing of good cause. IT IS SO**  
25 **ORDERED.**



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27 <sup>1</sup> The pre-trial dispositive motion deadline does not apply to the filing of unenumerated Rule 12(b) motions  
28 to dismiss for failure to exhaust. Unenumerated Rule 12(b) motions for failure to exhaust must be filed on or before  
the deadline separately set forth in this order.

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Dated: October 22, 2010

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UNITED STATES MAGISTRATE JUDGE