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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GARRISON S. JOHNSON

Plaintiff,

Case No. 1:06-cv-01089 ALA (P)

vs.

W.J. SULLIVAN, et al.,

ORDER

Defendants.

_____/

On April 21, 2009, Plaintiff filed an ex parte request for a telephonic status conference to discuss the scheduling order. Counsel for Defendants has informed the Court that they intend to join in this request. At this Court’s direction, the parties have made arrangements with a conference call entity for the conference call, which is scheduled to take place tomorrow, Friday, April 24, 2009 at 9:30 a.m. Counsel for defendants, Jeff Steele, indicated to the Court in the last telephonic status conference, held on April 14, 2009, that an attorney new to the case would be associating in, and that Mr. Steele would be substituting himself out of this matter “as soon as possible.” Both Mr. Steele and the new incoming counsel should participate on tomorrow’s call.

The parties should be prepared to address the following issues during the call: (1) whether the parties are in agreement that they now are prepared, without further discovery, to explore settlement options, including the possibility of a consent decree, with the assistance of a

1 magistrate judge as a mediator; (2) specifically, Mr. Steele is requested to inform the Court
2 whether he has had an opportunity to consult with his clients about their willingness to proceed
3 with mediation in this matter; (3) if mediation is to occur, whether it should occur anywhere
4 other than in the magistrate judge's courtroom, and if so, why; and, (4) if the mediation is to
5 occur, whether the parties are agreeable to a mediation hearing before Magistrate Judge Gary S.
6 Austin on May 11, 12 or 14, 2009 beginning at 10:30 a.m. These are the earliest dates available.
7 Mr. DeNiro has indicated that he is available to participate on any of these three possible dates.
8 Mr. Steele, however, has not responded to inquiries from Magistrate Judge Austin's chambers
9 concerning his availability, or the availability of replacement counsel to participate on those
10 dates.

11 Accordingly, IT IS HEREBY ORDERED that Plaintiff's ex parte request for a telephonic
12 status conference is hereby GRANTED. (Doc. 203). The telephonic status conference will
13 occur on April 24, 2009, at 9:30 a.m. via *Free Conference*, a conference call agency, and that
14 this Court and the parties will call 1-218-339-2699 and then enter pin number 512956.

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16 DATED: April 23, 2009

17 /s/ Arthur Alarcón
18 UNITED STATES CIRCUIT JUDGE
19 Sitting by Designation
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