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

Phillip Rosenblum,
 Plaintiff,
vs.
Mule Creek State Prison Medical Staff, et
al.,
 Defendants.

No. CV 1-08-0448-SMM
**ORDER SETTING RULE 16
SCHEDULING CONFERENCE**

Although this action is excepted from the mandatory scheduling order requirement pursuant to Federal Rule of Civil Procedure 16(b) and L.R. 16-240(c)(8),¹ the Court finds it helpful to conduct a status conference for the purpose of entering a scheduling order.

Accordingly,

IT IS HEREBY ORDERED that a telephonic Scheduling Conference is set for **Tuesday, February 16, 2010 at 2:00 p.m, Arizona time.** Defense counsel shall initiate a conference call and secure Plaintiff on the line before telephoning Judge McNamee’s chambers at (602) 322-7555, no later than 1:55 p.m., on February 16, 2010.

¹ L.R. refers to the Local Rules of Practice for the United States District Court, Eastern District of California.

***** NOTICE ****

IT IS FURTHER ORDERED:

1. **DEFENSE COUNSEL WHO WILL BE RESPONSIBLE FOR TRIAL OF THE LAWSUIT FOR EACH PARTY SHALL APPEAR AND PARTICIPATE IN THE SCHEDULING CONFERENCE.** Defense counsel is directed to Rule 16 of the Federal Rules of Civil Procedure for the objectives of the conference. At least one of the attorneys for each party attending the conference shall have authority to enter into stipulations and make admissions regarding all matters which may be discussed.
2. The parties must be prepared to discuss: (1) the nature and bases of their claims and defenses and (2) the possibilities for a prompt settlement or resolution of the case.

IT IS FURTHER ORDERED that in accordance with Federal Rules of Civil Procedure 16(b), 26(a)(1)(B), 26(f), and L.R. 16-240(c)(8), the parties are exempted from providing initial disclosures, conferring before the scheduling conference, and developing a discovery plan.

IT IS FURTHER ORDERED that counsel for all parties are expected to comply with Rule 26 of the Federal Rules of Civil Procedure and to minimize the expense of discovery.

IT IS FURTHER ORDERED that the Court, after consultation with counsel and the parties, will enter a Rule 16(b) Scheduling Order concerning, inter alia, discovery and dispositive motions. The parties and their counsel are all cautioned that the deadlines set in the Rule 16 Scheduling Order shall be strictly enforced.

IT IS FURTHER ORDERED that this Court views the Scheduling Conference as critical to its case management responsibilities and the responsibilities of the parties under Rule 16 of the Federal Rules of Civil Procedure. **FAILURE TO COMPLY WITH**

1 **EVERY PROVISION OF THIS ORDER MAY LEAD TO SANCTIONS PURSUANT**
2 **TO FEDERAL RULE OF CIVIL PROCEDURE 16(f).**

3 **IT IS FURTHER ORDERED** that the Clerk of the Court send copies of this Order
4 to all counsel of record and to all parties appearing in propria persona.

5 DATED this 19th day of January, 2010.

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10 Stephen M. McNamee
11 United States District Judge
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