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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

CHARLES AUSTIN PARKS,
CDCR #K-72151,

Plaintiff,

v.

R. TAIT, et al.,

Defendants.

Case No. 08-CV-1031-H (JMA)

SCHEDULING ORDER

On May 10, 2010, Defendants filed a request for extension of time to file dispositive motion. Doc. 61. Defendants' request is **GRANTED**. Because the granting of Defendants' request requires the modification of all remaining dates in this case, the Court hereby issues an amended scheduling order as set forth below:

1. All motions, other than motions to amend or join parties, or motions in limine, must be filed on or before **June 1, 2010**. Motions will not be heard or calendared unless the moving party has obtained a motion hearing date from the law clerk of the judge who will hear the motion. **Be advised that the period of time between the date you request a motion date and the hearing date may be up to sixty (60) days. Please plan accordingly.** Failure of a party to timely request a

1 motion date may result in the motion not being heard.

2 Briefs or memoranda in support of or in opposition to any pending motion shall
3 not exceed twenty-five (25) pages in length without leave of the judge who will hear the
4 motion. No reply memorandum shall exceed ten (10) pages without such leave of court.

5 2. A Mandatory Settlement Conference shall be conducted on **July 22, 2010**
6 at **10:00 a.m.** by Magistrate Judge Adler. The conference will be held telephonically.
7 The parties shall submit settlement statements **directly** to Magistrate Judge Adler's
8 chambers no later than **July 15, 2010**.¹ The parties may either submit confidential
9 settlement statements or may exchange their settlement statements. Each party's
10 settlement statement shall set forth the party's statement of the case, identify controlling
11 legal issues, concisely set out issues of liability and damages, and shall set forth the
12 party's settlement position, including the last offer or demand made by that party, and a
13 separate statement of the offer or demand the party is prepared to make at the
14 settlement conference. **The settlement conference briefs shall not be filed with the**
15 **Clerk of the Court.**

16 Counsel for Defendants shall be responsible for making all arrangements in
17 advance for Plaintiff to appear telephonically, and shall contact Plaintiff at the time of the
18 conference and initiate a joint call to the undersigned's chambers at (619) 557-5585.
19 Counsel for Defendants shall arrange to have a representative of the California
20 Department of Corrections and Rehabilitation on telephone standby at the time of the
21 conference.

22 3. The parties shall serve on each other and file their Memoranda of
23 Contentions of Fact and Law on or before **July 26, 2010**. On or before this date, the
24 parties must also comply with the pretrial disclosure requirements of Fed. R. Civ. P.
25 26(a)(3).

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27 ¹Statements under 20 pages in length, including attachments and exhibits, may be
28 delivered directly to chambers (940 Front Street, Room 1165, San Diego, CA 92101), e-mailed
to efile_adler@casd.uscourts.gov, or faxed to (619) 702-9939. Statements exceeding 20
pages in length, including attachments and exhibits, must be delivered directly to chambers.

1 4. Parties shall confer concerning the contents of the pretrial order on or
2 before **August 2, 2010**.


3 5. The proposed Final Pretrial Conference order, including written objections,
4 if any, to any party's Fed. R. Civ. P. 26(a)(3) pretrial disclosures, shall be prepared,
5 served, and lodged with the Clerk's Office on or before **August 16, 2010**. Any
6 objections shall comply with the requirements of Fed. R. Civ. P. 26(a)(3). **Please be**
7 **advised that the failure to file written objections to a party's pretrial disclosures**
8 **may result in the waiver of such objections, with the exception of those made**
9 **pursuant to Rules 402 (relevance) and 403 (prejudice, confusion or waste of time)**
10 **of the Federal Rules of Evidence.**

11 6. The final Pretrial Conference is scheduled on the calendar of the
12 Honorable Marilyn L. Huff on **August 23, 2010** at **10:30 a.m.** Attorney General's Office
13 shall arrange for Plaintiff to participate telephonically in the final Pretrial Conference.

14 7. **The Court cautions the parties that the dates and times set in this**
15 **Order will not be modified except for good cause shown.**

16 **IT IS SO ORDERED.**

17 DATED: May 12, 2010

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19 Jan M. Adler
20 U.S. Magistrate Judge
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