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

John Fratus,

 Plaintiff,

v.

Sergeant Peterson, et al,

 Defendant.

No. CV-08-01500-ROS (PC)
ORDER

Plaintiff seeks an order requiring a formal settlement conference. Defendants indicate they have been considering Plaintiff’s settlement demands but they do not indicate whether they oppose a formal settlement conference. Rather than requiring a formal settlement conference at this time, Plaintiff and Defendants will be instructed to confer in good faith regarding settlement, and defense counsel will be required to file a statement indicating whether a settlement conference would be useful.

Plaintiff also requests appointment of an expert witness. The allegations in this suit involve excessive force. The present record does not establish appointment of an expert witness is appropriate. Therefore, this request will be denied.

Finally, Defendants seek a ninety-day extension of time in which to take Plaintiff’s deposition. Based on the age of this case, a more limited extension is appropriate. The discovery period will be extended for thirty days for the limited purpose of taking Plaintiff’s deposition. The deadline has passed for seeking additional written

1 discovery and there is no indication more time is needed to conduct such discovery. If
2 Defendants are unable to complete the deposition of Plaintiff in the extended time period,
3 they shall file a detailed explanation of their efforts and the date by which they expect to
4 be able to take the deposition.

5 Accordingly,

6 **IT IS ORDERED** the Motion for Settlement Conference (Doc. 202) is **DENIED**.

7 **IT IS FURTHER ORDERED** no later than September 15, 2015, the parties shall
8 confer and determine whether a settlement conference would be useful. No later than
9 September 18, 2015, defense counsel shall file a statement indicating the parties'
10 positions on scheduling a settlement conference.

11 **IT IS FURTHER ORDERED** the Motion to Appoint Expert Witness (Doc. 204)
12 is **DENIED**.

13 **IT IS FURTHER ORDERED** the Motion for 90-Day Extension (Doc. 208) is
14 **GRANTED IN PART**. Defendants shall complete Plaintiff's deposition by September
15 30, 2015. All dispositive motions shall be filed no later than October 23, 2015. If no
16 dispositive motion is filed, the parties shall file their pretrial documents as outlined in
17 Doc. 200, paragraph P, no later than November 6, 2015.

18 Dated this 1st day of September, 2015.

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22 Honorable Roslyn O. Silver
23 Senior United States District Judge
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