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

LARRY TATE,

Plaintiff,

vs.

MATTHEW CATE, ET AL.,

Defendant(s).

NO. 1:09-CV-00770-JLT (PC)

**DISCOVERY ORDER
SCHEDULING ORDER**

Unenumerated Rule 12(b) Motion
Deadline-05/16/2011
Deadline to Amend Pleadings-09/16/2011
Discovery Cut-Off Date-11/16/2011
Dispositive Motion Deadline-01/23/2012

Defendants have answered the complaint in this case. 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), defendants may depose plaintiff and any other witness confined in a prison upon condition that, at least fourteen (14) days before such a deposition, defendants serve all parties with the notice required by Federal Rule of Civil Procedure 30(b)(1); and

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

10 Further:

11 6. The parties are advised that the deadline for filing motions to dismiss for failure to exhaust the
12 administrative remedies pursuant to the unenumerated portion of Federal Rule of Civil Procedure 12(b)
13 shall be 05/16/2011 ;

14 7. The deadline for amending the pleadings shall be 09/16/2011 ;

15 8. The parties are advised that the deadline for the completion of all discovery, including filing motions
16 to compel, shall be 11/16/2011 ;

17 9. The deadline for filing pre-trial dispositive motions shall be 01/23/2012¹;

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

20 **11. Extensions of time will only be granted on a showing of good cause.**

21 SO ORDERED.

22 DATED: March 16, 2011 /s/ Jennifer L. Thurston
23 U.S. Magistrate Judge

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27 ¹ The pre-trial dispositive motion deadline does not apply to the filing of unenumerated Rule 12(b) motions to dismiss
28 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.