



1 injury or damage. In addition, Plaintiff shall describe, generally, the information each individual  
2 so identified is believed to possess.

3 Plaintiff shall also provide copies of, or a list describing (by category and location), all  
4 documents or other tangible things in his possession, custody or control<sup>1</sup> which he may use to  
5 support the allegation(s) in his complaint, or his claims or injury of damage.

6 B. Defendant(s) Initial Disclosures:

7 Defendant(s) shall provide Plaintiff with the name and, if known, the location or other  
8 identifying information (such as inmate number, job classification or institutional assignment) of  
9 each individual likely to have information about Defendant(s)' claims or defenses, or who will  
10 be used to support Defendant(s)' version of the events described in the complaint. In addition,  
11 Defendant(s) shall describe, generally, the information each individual so identified is believed  
12 to possess.

13 Defendant(s) shall provide to Plaintiff copies of all documents and other materials in the  
14 care, custody, or control of any Defendant(s) or the California Department of Corrections and  
15 Rehabilitation ("CDCR") related to the claims and defenses in the case.

16 Such documents and materials shall include, but are not limited to, (a) documents and  
17 materials upon which Defendant(s) rely in support of their defense of the action, (b) grievances  
18 and appeals thereof, determinations of grievances and appeals, and (c) reports of completed  
19 investigations by CDCR or others. If Defendants intend on filing a motion relating to Plaintiff's  
20 failure to exhaust, initial disclosures must include related grievances and appeals, and all  
21 responses. Simultaneous with disclosure to Plaintiff, Defense counsel shall file with the Court  
22 either a copy of any cover letter (without attachments) or a statement that the disclosures  
23 required herein have been completed.

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<sup>1</sup> Property is deemed within a party's possession, custody or control if the party has actual possession, custody or  
28 control thereof, or the legal right to obtain the property on demand. Allen v. Woodford, 2007 WL 309945, \*2 (E.D.  
Cal. 2007).

1 Pursuant to Federal Rule of Civil Procedure 26(e), the parties must supplement or correct  
2 the disclosures in a timely manner, and failure to do so may result in the inability to present such  
3 evidence in support of a motion, or at trial. Fed. R. Civ. P. 37(c).

4 **II. DEPOSITIONS**

5 Defendant(s) are granted leave to take the deposition of Plaintiff, or any other  
6 incarcerated witness, pursuant to Federal Rule of Civil Procedure 30(a)(2)(B). Defense counsel  
7 shall provide Plaintiff with notice of the date of the deposition by mailing such notice to Plaintiff  
8 at least fifteen (15) days prior to the scheduled deposition date. The deposition may not  
9 commence until at least ten (10) days after Defense counsel has filed their proof of compliance  
10 as required in subparagraph (B) above. PLAINTIFF SHALL TAKE NOTICE that disagreement  
11 with any directive of security staff at the correctional facility at which the deposition is  
12 scheduled is not a ground on which Plaintiff may refuse to answer appropriate questions, and the  
13 failure of Plaintiff to attend, be sworn, and answer appropriate questions may result in sanctions.  
14 Such sanctions may include dismissal of the action pursuant to Federal Rule of Civil Procedure  
15 37. Objections made in good faith in accordance with governing rules are permissible.

17 **III. SCHEDULE AND DEADLINES**

18 A. The issue of exhaustion must be raised by either (1) a procedurally proper motion  
19 for summary judgment; or (2) a motion to dismiss pursuant to Rule 12(b)(6) if the failure to  
20 exhaust is clear on the face of the complaint. If the parties believe that discovery related to  
21 exhaustion is necessary, they may request such discovery pursuant to Rule 56(d). Requests for  
22 limited discovery must be made within thirty (30) days of the date of service of any motion for  
23 summary judgment related to exhaustion. Motions relating to exhaustion must be filed on or  
24 before **April 29, 2015**.

26 B. The deadline for amending pleadings is **May 29, 2015**.

27 C. All discovery shall be completed on or before **June 29, 2015**. Motions to compel  
28 must also be filed by this date.

1 D. Dispositive motions must be filed on or before **August 27, 2015**.

2 IV. DISCOVERY ISSUES

3 A. Written discovery must be served at least thirty (30) days prior to the close of  
4 discovery. Responses must be served thirty (30) days after service of the discovery request.  
5 Fed. R. Civ. P. 33(b)(2), 34(b)(2)(A). In objecting to discovery requests, Defendant(s) should  
6 state their objections in plain language that a pro se party will likely understand.

7 B. As stated above, motions to compel must be filed on or before **June 29, 2015**.  
8 The meet and confer requirement set forth in Federal Rule of Civil Procedure 37(a)(1) and Local  
9 Rule 251(b) is waived. Voluntary compliance is encouraged, however.

10 V. EXTENSIONS OF TIME

11 Requests for extensions of the deadlines set forth in this Discovery and Scheduling Order  
12 **must be filed on or before the expiration of the date in question. These deadlines are firm**  
13 **and will not be extended by the Court except upon a showing of good cause.** Fed. R. Civ. P.  
14 16(b)(4).  
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17 IT IS SO ORDERED.

18 Dated: January 30, 2015

18 /s/ Dennis L. Beck  
19 UNITED STATES MAGISTRATE JUDGE