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

JOHN ANTHONY VELLA,)	Case No.: 1:12-cv-01402-SAB (PC)
Plaintiff,)	
v.)	AMENDED DISCOVERY AND SCHEDULING ORDER
EDGAR CLARK, et al.,)	Exhaustion Motion Filing Deadline: July 14, 2014
Defendants.)	Deadline to Amend Pleadings: October 13, 2014
)	Discovery Deadline: December 15, 2014
)	Dispositive Motion Deadline: February 16, 2015
)	
)	

Plaintiff John Anthony Vella is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Pursuant to 28 U.S.C. § 636(c), Plaintiff consented to the jurisdiction of the United States Magistrate Judge on September 27, 2012. Local Rule 302.

Discovery Procedures:

1. Discovery requests shall be served by the parties pursuant to Federal Rule of Civil Procedure 5 and Local Rule 135. Discovery requests and responses shall not be filed with the Court unless 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. Boilerplate objections are disfavored and may be summarily overruled by the Court. Responses to document requests shall include all documents within a party's possession, custody or control. Fed. R. Civ. P. 34(a)(1). Documents are deemed within a party's possession, custody or control if the party has actual possession, custody or control thereof, or the legal right to

1 obtain the property on demand. Amendments to discovery responses served after the filing of and in
2 response to a motion to compel are strongly disfavored, absent good faith. The parties are required to
3 act in good faith during the course of discovery and the failure to do so may result in the payment of
4 expenses pursuant to Federal Rule of Civil Procedure 37(a)(5) or other appropriate sanctions
5 authorized by the Federal Rules of Civil Procedure or the Local Rules.

6 3. Pursuant to Federal Rule of Civil Procedure 30(a)(2)(B), Defendant may depose
7 Plaintiff and any other witness confined in a prison upon condition that, at least fourteen (14) days
8 before such a deposition, Defendant serves all parties with the notice required by Federal Rule of Civil
9 Procedure 30(b)(1).

10 4. If discovery disputes arise, the parties shall comply with all pertinent rules including
11 Rules 5, 7, 11, 26, and 37 of the Federal Rules of Civil Procedure and Rules 110, 130, 131, 133, 135,
12 142, 144, and 230(l) of the Local Rules of Practice for the United States District Court, Eastern
13 District of California. A discovery motion that does not comply with applicable rules will be stricken
14 and may result in imposition of sanctions. However, unless otherwise ordered, Local Rule 251 shall
15 not apply, and the requirement set forth in Federal Rules of Civil Procedure 26 and 37 of a good faith
16 conference or attempt to confer with the other party to resolve the dispute shall not apply. Voluntary
17 compliance with this provision of Rules 26 and 37 is encouraged, and if the Court deems it appropriate
18 in any given case, it will reimpose the good faith meet and confer requirement.

19 **Amendment to Pleadings:**

20 5. The deadline for amending the pleadings is **October 13, 2014**.

21 **Filing Deadlines:**

22 6. The deadline for filing motions for summary judgment under Fed. R. Civ. P. 56 for
23 failure to exhaust administrative remedies is **July 14, 2014**.

24 7. The deadline for the completion of all discovery, including filing all motions to compel
25 discovery, is **December 15, 2014**. Absent good cause, discovery motions will not be considered if
26 filed after the discovery deadline. Therefore, discovery requests and deposition notices must be served
27 sufficiently in advance of the discovery deadline to permit time for a response and time to prepare and
28 file a motion to compel.

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8. The deadline for filing all dispositive motions (other than a motion for summary judgment for failure to exhaust) is **February 16, 2015**.

9. **A request for an extension of a deadline set in this order must be filed on or before the expiration of the deadline in question and will only be granted on a showing of good cause.**

IT IS SO ORDERED.

Dated: **April 15, 2014**



UNITED STATES MAGISTRATE JUDGE