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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 DARRELL WAYNE KING,

12 Plaintiff,

13 vs.

14 JOHN D. CHOKATOS, et al.,

15 Defendants.
16

1:12-cv-01936-LJO-EPG-PC

SCHEDULING ORDER FOLLOWING
STATUS CONFERENCE HELD ON
APRIL 21, 2016

Telephonic Status Conference:

June 29, 2016

10:00 a.m.

Courtroom 10 (EPG)

**Deadline to File Notice of Disclosure of Expert
Witnesses:** **July 22, 2016**

Deadline to File Responses to Notice of Disclosure:
September 9, 2016

ORDER FOR CLERK TO SEND
PLAINTIFF CONSENT/DECLINE FORM
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22 **I. BACKGROUND**

23 Plaintiff, Darrell Wayne King (“Plaintiff”), is a state prisoner proceeding *pro se* and *in*
24 *forma pauperis* with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this
25 case on November 29, 2012. (ECF No. 1.) This case now proceeds on the First Amended
26 Complaint filed on September 2, 2014, with Plaintiff’s Eighth Amendment claims against
27 defendants Dr. John D. Chokatos and LVN Michele I. Stringer (“Defendants”), for failure to
28 provide adequate medical care, and for supplemental state law claims. (ECF No. 33.)

1 This case is now in the discovery phase, pursuant to the Court's discovery and
2 scheduling order filed on November 16, 2015. (ECF No. 41.) The deadline for completion of
3 discovery is July 16, 2016. (Id.)

4 On January 28, 2016, Defendants filed a motion for summary judgment. (ECF No. 46.)
5 On March 21, 2016, Plaintiff filed an opposition to the motion. (ECF No. 50.) Defendants'
6 deadline to file a reply to the opposition is pending.

7 **II. STATUS CONFERENCE**

8 On April 21, 2016 at 2:30 p.m., a telephonic status conference was held before
9 Magistrate Judge Erica P. Grosjean. Plaintiff appeared telephonically on his own behalf, and
10 Deputy California Attorney General Jason A. Braxton appeared telephonically on behalf of
11 defendant Stringer. Mr. Braxton informed the Court that defendant Chokatos had retained new
12 counsel that same day.¹

13 The parties discussed the litigation schedule for this case. Plaintiff informed the Court
14 that he is seeking counsel, wants to depose officers, and would not oppose a stay of discovery
15 pending resolution of Defendants' motion for summary judgment. No formal motion to stay
16 was before the Court, and no ruling was made at the hearing. The Court expects a decision on
17 the motion for summary judgment by the end of June 2016, before the close of discovery.

18 Plaintiff indicated his willingness to consent to Magistrate Judge jurisdiction. The
19 Court shall send Plaintiff a consent form to sign and return to the Court.

20 A telephonic status conference was scheduled for June 29, 2016 at 10:00 a.m. before
21 Judge Grosjean, to discuss issues pending at that time, including the status of discovery. The
22 parties were encouraged to move forward with discovery, but discussed reasonable
23 expectations for discovery in light of the pending motion for summary judgment.

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27 ¹ On April 25, 2016, a stipulation for substitution of attorneys was filed, containing the
28 signatures of defendant Chokatos, the outgoing attorney of record, and the incoming attorney of record. (ECF No. 54.) On April 26, 2016, the Court issued an order approving the substitution of attorneys. (ECF No. 55.) Therefore, defendant Chokatos is now represented by Susan E. Coleman of Burke, Williams & Sorenson LLP.

1 **III. CONCLUSION**

2 Based on the foregoing, IT IS HEREBY ORDERED that:

- 3 1. A Telephonic Status Conference is scheduled for **June 29, 2016 at 10:00 a.m.**
4 before Magistrate Judge Erica P. Grosjean in Courtroom 10 at the United States
5 District Court, 2500 Tulare Street, Fresno, California;
- 6 2. Those in attendance must be prepared to discuss issues pending at that time,
7 including the status of discovery;
- 8 3. Counsel for Defendant Stringer shall arrange for the participation of Plaintiff in
9 the telephonic status conference, coordinate a one-line conference call with
10 Plaintiff and counsel for Defendant Chokatos, and initiate the telephonic hearing
11 at chambers phone number **(550) 499-5960.**
- 12 4. The Clerk is directed to send Plaintiff the Court's form for consent/decline of
13 Magistrate Jurisdiction; and
- 14 5. The dates set forth in the Scheduling Order dated November 16, 2015 remain in
15 effect.

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17 IT IS SO ORDERED.

18 Dated: **May 4, 2016**

19 /s/ Erica P. Grosjean
20 UNITED STATES MAGISTRATE JUDGE
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