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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TRADELL M. DIXON,
Plaintiff,
v.
M. ARMAS, et al.,
Defendants.

Case No. 1:13-cv-00165-DAD-EPG (PC)
ORDER GRANTING IN PART
DEFENDANTS’ MOTION TO MODIFY
DISCOVERY AND SCHEDULING ORDER
AND SETTING DISCOVERY AND STATUS
CONFERENCE
(ECF NO. 56)

On October 12, 2017, Defendants filed a motion to modify the scheduling order. (ECF No. 56). Defendants ask that the Court modify the deadlines in this case because “Dixon’s non-responses to Flippo’s supplemental written discovery, Armas’s recent reappearance, and the overall procedural posture of the case makes the current deadlines unworkable despite Defendants’ diligence.” (ECF No. 56-1, p. 2). Defendants allege that, “under the current discovery and scheduling order, Armas will not have the benefit of submitting his own written discovery, taking Dixon’s deposition as to those specific claims, and specifically conducting discovery regarding the variance of dates between Dixon’s complaints.” (*Id.* at 3-4).

Defendants propose that the Court vacate all deadlines and set new deadlines based on the date the Court rules on Defendants’ motion to compel (ECF No. 51).

1 The Court finds good cause to modify the schedule in this case, in particular to allow
2 sufficient time for discovery by and regarding Defendant Armas. However, the Court sees no
3 need to wait until after its ruling on Defendants' motion to compel to modify the schedule.¹

4 Accordingly, based on the foregoing, IT IS ORDERED that:

- 5 1. Defendants' motion to modify the scheduling order is GRANTED IN PART.
- 6 2. The schedule in this case is modified as follows:
 - 7 a. The non-expert discovery cutoff is February 16, 2018;
 - 8 b. The expert disclosure deadline is March 16, 2018;
 - 9 c. The rebuttal expert disclosure deadline is April 16, 2018;
 - 10 d. The expert discovery cutoff is May 16, 2018;
 - 11 e. The deadline for filing dispositive motions is June 18, 2018;
 - 12 f. Motion(s) for the attendance of incarcerated witnesses, if any, must be filed on
13 or before February 15, 2019. Oppositions, if any, must be filed on or before
14 March 15, 2019;
 - 15 g. If Plaintiff wishes to have the Marshals Service serve any unincarcerated
16 witnesses who refuse to testify voluntarily, Plaintiff must submit the money
17 orders to the Court no later than March 15, 2019. In order to ensure timely
18 submission of the money orders, Plaintiff must notify the Court of the names
19 and locations of his witnesses, in compliance with step 4 above, no later than
20 February 15, 2019;
 - 21 h. Plaintiff shall file and serve a pretrial statement as described in this order on or
22 before February 15, 2019. Defendant(s) shall file and serve a pretrial
23 statement on or before March 15, 2019;
 - 24 i. The Telephonic Trial Confirmation Hearing is set for April 22, 2019, at 1:30
25 p.m., before District Judge Dale A. Drozd; and
 - 26 j. The trial is set for June 18, 2019, at 1:00 p.m., before District Judge Dale A.

27 ¹ The Court notes that discovery opened as to defendant Armas on September 28, 2017.
28 (ECF No. 38, p. 2; ECF No. 54).

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Drozd.

3. A discovery and status conference is set for January 24, 2018, at 1:30 p.m. Parties have leave to appear by phone. To join the conference, each party is directed to call the toll-free number (888) 251-2909 and use Access Code 1024453. Up until four weeks before the conference, the parties may file motions to compel further discovery responses. No later than two weeks before the conference, the responding party may file response(s) to motion(s) to compel. The motion should include a copy of the request(s) and any response to the request(s) at issue. Unless there is a need for discovery prior to the conference, motions to compel will not be considered until the conference.² Motions to compel will not be permitted after the conference absent good cause. The parties should be prepared to address all discovery disputes at the conference.
4. Plaintiff shall make arrangements with staff at his or her institution of confinement for his or her attendance at the discovery and status conference. Plaintiff's institution of confinement shall make Plaintiff available for the conference at the date and time indicated above. To the extent possible, prior to the conference defense counsel shall confirm with Plaintiff's institution of confinement that arrangements have been made for Plaintiff's attendance.

IT IS SO ORDERED.

Dated: October 16, 2017

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE

² The Court notes that it will likely rule on the motion to compel that was filed on September 22, 2017 (ECF No. 51), before the discovery and status conference.