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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL NEIL JACOBSEN,

Plaintiff,

v.

PEOPLE OF THE STATE OF
CALIFORNIA, et al.,

Defendants.

1:14-cv-00108-JLT (PC)

**THIRD AMENDED DISCOVERY and
SCHEDULING ORDER**

Discovery Cut-Off Deadline: July 22, 2016
Dispositive Motion Deadline: August 22, 2016

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 45 days after the request is first served.
3. Responses to document requests shall include all documents within a party's possession, custody, or control. Federal Rule of Civil Procedure 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 obtain the property on demand.
4. The parties are limited to 25 interrogatories as permitted by Federal Rule of Civil

1 Procedure 33, 25 requests for admission made according to Federal Rule of Civil Procedure 36,
2 and 25 requests to produce made according to Federal Rule of Civil Procedure 34. The parties
3 are required to act in good faith during the course of discovery and are reminded that failure to do
4 so may result in the imposition of sanctions.

5 5. To ensure that the responding party has 45 days after the request is first served to
6 respond, discovery requests must be served at least 45 days before the discovery deadline. The
7 parties may wish to serve discovery requests well in advance of the discovery deadline because
8 all motions to compel must be filed on or before the discovery deadline.

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

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

23 Further:

24 8. The parties are advised that the deadline for the completion of all discovery, including
25 filing motions to compel, is July 22, 2016;

26 9. The deadline for filing pre-trial dispositive motions is August 22, 2016;¹

27 10. **A request for an extension of a deadline set in this order must be filed on or**

28 ¹ Motions for failure to exhaust must be filed under Rule 56 of the Federal Rules of Civil Procedure on or before the
deadline for dispositive motions. *See Albino v. Baca*, 747 F.3d 1162, 1168 (9th Cir. 2014) (en banc).

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before the expiration of the deadline in question; and

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

IT IS SO ORDERED.

Dated: October 29, 2015

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE