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6 **UNITED STATES DISTRICT COURT**

7 EASTERN DISTRICT OF CALIFORNIA

9 JAIME I. ESTRADA,

10 Petitioner,

11 v.

12 MARTIN BITER,

13 Respondent.

Case No. 1:14-cv-00679-DAD-EPG-HC

ORDER FOLLOWING SCHEDULING
CONFERENCE RE: EVIDENTIARY
HEARING

14
15 This Court conducted a scheduling conference on January 26, 2017. Counsel Carolyn D.
16 Phillips appeared on behalf of Petitioner. Counsel Tami M. Krenzin telephonically appeared on
17 behalf of Respondent.

18 The Court authorized discovery pursuant to Rule 6 of the Rules Governing Section 2254
19 Cases and set a schedule through the evidentiary hearing, as set forth below.

20 **I. Motion Schedule**

21 **A. *General Information Regarding Filing Motions***

22 The parties are advised that unless prior leave of the Court is obtained before the filing
23 deadline,¹ all moving and opposition briefs or legal memoranda, including joint statements of
24 discovery disputes, filed in civil cases before Magistrate Judge Grosjean, shall not exceed
25 twenty-five (25) pages. Reply briefs by the moving party shall not exceed ten (10) pages. These
26 page limits do not include exhibits. When scheduling motions (other than discovery motions) the
27 parties shall comply with Local Rule 230.

28 ¹ Parties may seek leave through a telephonic conference among all parties and the Court, or by short motion.

1 Counsel may appear and argue motions by telephone, provided a request to so do is made
2 to Michelle Rooney, Magistrate Judge Grosjean’s Courtroom Deputy (unless prior permission
3 has been given by the judge), no later than five (5) court days before the noticed hearing date.
4 Requests can be made by calling Ms. Rooney at (559) 499-5962, or via email at
5 mrooney@caed.uscourts.gov. If the parties are appearing telephonically, each party shall dial
6 1 (888) 251-2909 and enter access code 1024453.

7 ***1. Informal Discovery Conference***

8 In order to file a discovery motion pursuant to Fed. R. Civ. P. 37, a party must receive
9 permission from the Court following an informal telephone conference. A party wishing to
10 schedule such a conference should contact chambers to receive available dates. The Court will
11 schedule the conference as soon as possible, taking into consideration the urgency of the issue.
12 Before contacting the Court, the parties must meet and confer by speaking with each other in
13 person, over the telephone, or via video in an attempt to resolve the dispute.

14 Prior to the conference, both parties shall simultaneously submit letters, outlining their
15 respective positions regarding the dispute. The Court will provide the date the letters are due at
16 the time the conference is scheduled. Such letters shall be no longer than three (3) pages single
17 spaced, and may include up to five (5) pages of exhibits. Letters shall be emailed to Magistrate
18 Judge Grosjean’s chambers at epgorders@caed.uscourts.gov, and *not* filed on the docket.

19 At the time of conference, the parties shall dial 1 (888) 251-2909 and enter access code
20 1024453. Telephonic conferences will not be on the record and the Court will not issue a formal
21 ruling at that time. Nevertheless, the Court will attempt to provide guidance to the parties to
22 narrow or dispose of the dispute. If no resolution can be reached without formal motion practice,
23 the Court will authorize the filing of a formal discovery motion.

24 ***2. Discovery Motions***

25 If a motion is brought pursuant to Fed. R. Civ. P. 37, after receiving permission from the
26 Court, the parties must prepare and file a Joint Statement re: Discovery Disagreement (“Joint
27 Statement”) as required by Local Rule 251.² In scheduling such motions, Magistrate Judge

28 ² Certain limited exceptions from filing the required Joint Statement are outlined in Local Rule 251(e).

1 Grosjean may grant applications for an order shortening time pursuant to Local Rule 144(e).
2 Motions to shorten time will *only* be granted upon a showing of good cause. If a party does not
3 obtain an order shortening time, the notice of motion must comply with Local Rule 251.

4 A Joint Statement, not to exceed twenty-five (25) pages, must be filed seven (7) calendar
5 days before the scheduled hearing date. Prior to the filing of the Joint Statement, the parties must
6 meet and confer as set forth in Local Rule 251(b). In addition to filing the Joint Statement
7 electronically, a copy of the Joint Statement in Word format must be sent to Magistrate Judge
8 Grosjean's chambers via email to epgorders@caed.uscourts.gov. Courtesy copies for any
9 pleading in excess of twenty-five pages (25) (including exhibits) shall also be delivered to
10 chambers via US mail, or hand delivery, at the time the Joint Statement is electronically filed.
11 Motions may be removed from the Court's calendar if the Joint Statement is not timely filed, or
12 if courtesy copies are not timely delivered.

13 **II. Pre-Hearing Conference**

14 A pre-hearing conference is set for **March 14, 2017, at 9:30 a.m.** The parties are directed
15 to file a joint pre-hearing statement no later than **March 7, 2017**, which shall include:

- 16 (1) A statement of the legal issues to be resolved at the evidentiary hearing and a
17 statement of the burden of proof regarding those issues;
- 18 (2) A plain, concise summary of any reasonably anticipated disputes concerning
19 admissibility of testimony and evidence;
- 20 (3) The specific nature of relief or remedy sought;
- 21 (4) A statement of the legal theories or any points of law (substantive or procedural) that
22 are or may reasonably be expected to be in controversy, citing the pertinent statutes,
23 cases, and other authorities relied upon. Extended legal argument is not required in
24 the pre-hearing statement;
- 25 (5) A list (names and addresses) of all prospective witnesses, and whether offered in
26 person or by deposition or interrogatory;
- 27 (6) A list of documents or other exhibits that the party expects to offer at the evidentiary
28 hearing;

1 (7) A list of all portions of depositions, answers to interrogatories, and responses to
2 requests for admission that the party expects to offer at the evidentiary hearing.

3 **III. Hearing Date**

4 An evidentiary hearing is set for **May 5, 2017, at 9:00 a.m.**

5 **IV. Effect Of This Order**

6 Any party unable to comply with the dates outlined in this order shall immediately file an
7 appropriate motion or stipulation identifying the requested modification(s). Stipulations
8 extending the deadlines contained herein will not be considered unless they are accompanied by
9 affidavits or declarations with attached exhibits, where appropriate, that establish good cause for
10 granting the requested relief. Due to the impacted nature of the civil case docket, this Court
11 disfavors requests to modify established dates.

12
13 IT IS SO ORDERED.

14 Dated: **January 26, 2017**

14 */s/ Eric P. Gray*
15 UNITED STATES MAGISTRATE JUDGE