1 2 3 4 5 UNITED STATES DISTRICT COURT 6 EASTERN DISTRICT OF CALIFORNIA 7 8 9 JAVIER SOLIS, Case No. 1:14-cv-00937-DAD-BAM 10 Plaintiff, **DISCOVERY AND** 11 v. **SCHEDULING ORDER** 12 QUIROZ, et al., Deadline to Amend Pleadings: August 22, 2016 Discovery Deadline: December 22, 2016 13 Defendants. Dispositive Motion Deadline: February 22, 2017 14 15 16 Pursuant to Federal Rules of Civil Procedure 1, 16, and 26–36, discovery shall proceed as 17 follows: 18 19 **Discovery Procedures:** 20 1. Discovery requests shall be served by the parties pursuant to Federal Rule of Civil 21 Procedure 5 and Local Rule 135. Discovery requests and responses shall not be filed with the 22 Court unless required by Local Rules 250.2, 250.3 and 250.4. 23 2. Responses to written discovery requests shall be due forty—five (45) days after the 24 request is first served. Boilerplate objections are disfavored and may be summarily overruled by 25 the Court. Responses to document requests shall include all documents within a party's possession, custody or control. See Fed. R. Civ. P.34(a)(1). Documents are deemed within a 26 27

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

- 3. Pursuant to Federal Rule of Civil Procedure 30(a)(2)(B), Defendant may depose any witness confined in a prison upon condition that, at least fourteen (14) days before such a deposition, Defendant serves all parties with the notice required by Federal Rule of Civil Procedure 30(b)(1). Pursuant to Federal Rule of Civil Procedure 30(b)(4), the parties may take any deposition under this section by video conference without a further motion or order of the Court. Nothing herein forecloses a party from bringing a motion for protective order pursuant to Federal Rule of Civil Procedure 26(c)(1) if necessary.
- 4. If discovery disputes arise, the parties shall comply with all pertinent rules including Rules 5, 7, 11, 26, and 37 of the Federal Rules of Civil Procedure and Rules 110, 130, 131, 133, 135, 142, 144, and 251 of the Local Rules of Practice for the United States District Court, Eastern District of California. Rules of Civil Procedure 26 and 37 of a good faith conference or attempt to confer with the other party to resolve the dispute shall not apply. Voluntary compliance with this provision of Rules 26 and 37 is encouraged, and if the Court deems it appropriate in any given case, it will reimpose the good faith meet and confer requirement. A discovery motion that does not comply with applicable rules will be stricken and may result in imposition of sanctions. A moving party should not seek to compel production of documents which are equally available to that moving party, such as documents in plaintiff's jail file.

Amendment to Pleadings:

5. The deadline for amending the pleadings is **August 22, 2016**.

Filing Deadlines: 6. The deadline for the completion of all discovery, including filing all motions to compel discovery, is **December 22, 2016.** Absent good cause, discovery motions will not be considered if filed after the discovery deadline. Therefore, discovery requests and deposition notices must be served sufficiently in advance of the discovery deadline to permit time for a response and time to prepare and file a motion to compel. 7. The deadline for filing all dispositive motions is **February 22, 2017**. 8. Once dispositive motions have been resolved, the Court will set the pretrial conference and trial dates. 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. /s/Barbara A. McAuliffe Dated: **April 22, 2016**