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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JARED M. VILLERY,

Plaintiff,

v.

JEFFREY BEARD, et al.,

Defendants.

Case No. 1:15-cv-00987-DAD-BAM (PC)

ORDER FOLLOWING INFORMAL
TELEPHONIC DISCOVERY CONFERENCE,
HELD ON JANUARY 12, 2018

[ECF Nos. 48, 49]

Plaintiff Jared M. Villery is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On January 12, 2017, the Court held an informal telephonic discovery conference. Plaintiff appeared telephonically on his own behalf, and Sarah Margaret Gold Brattin and Lawrence Bragg appeared on behalf of Defendants. Prior to the conference, the parties filed a joint statement, (ECF No. 49), and Plaintiff filed a motion seeking the Court’s consideration of evidence in support of the information conference, (ECF No. 48), which were reviewed by the Court prior to the hearing.

For the reasons discussed at the conference, it is **HEREBY ORDERED** as follows:

1. Plaintiff’s motion seeking the Court’s consideration of evidence, filed on December 28, 2017 (ECF No. 48), is granted, as the parties’ submissions were considered during the conference;
2. On or before January 19, 2018, Plaintiff shall serve on defense counsel no more than fifty (50) Requests for Admission for each of Defendants Beard, Kernan, Kendall, Acosta, Jones,

1 Gurrero, Woodard, and Grimmig.¹ Plaintiff may do so by sending to defense counsel (1) a
2 numbered list of requests for admission that have already been served on these Defendants; (2) a set
3 of revised requests for admission; or (3) some combination thereof, so long as he identifies no more
4 than fifty (50) requests per Defendant to defense counsel by the deadline;

5 3. On or before January 26, 2018, defense counsel shall file a short status report
6 explaining any issues that remain in dispute regarding the fifty (50) Requests for Admission per
7 Defendant, as discussed during the conference. Counsel may attach a copy of a representative
8 sample of discovery requests for the Court's review to the status report;

9 4. A follow-up informal telephonic conference regarding these matters is set for
10 **Tuesday, January 30, 2018, at 10:00 a.m.**, in Courtroom 8. Parties appearing telephonically may
11 do so by using the following dial-in number and passcode at the time set for the hearing: dial-in
12 number 1-877-411-9748; passcode 3190866. Defense counsel must arrange for Plaintiff's
13 participation in the telephonic conference; and

14 5. Defendants are granted a forty-five (45) day extension of time, from the date the
15 responses are due, to respond to Plaintiff's First Set of Interrogatories and First Set of Requests for
16 Production, as discussed during the conference.

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18 IT IS SO ORDERED.

19 Dated: January 12, 2018

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE

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24 ¹ During the hearing, the parties informed the Court that they have stipulated to a stay of discovery
25 for non-exhaustion related matters concerning Defendants Naficy, Aithal, Seymour, Carrizales,
26 Pallares, Fisher, Hernandez, and Miranda, pending their motion for summary judgment for the
failure to exhaust available administrative remedies. Defense counsel anticipates filing that
summary judgment motion prior to the next informal telephonic conference.

27 Accordingly, Defendants Naficy, Aithal, Seymour, Carrizales, Pallares, Fisher, Hernandez,
28 and Miranda are relieved from responding to any discovery, other than discovery regarding the
exhaustion of available administrative remedies, until the Court issues a final ruling on these
Defendants' motion for summary judgment for the failure to exhaust administrative remedies.