

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

SCOTT K. RICKS,  
Plaintiff,  
vs.  
G. LEVINE and M. FORSTER,  
Defendants.

Case No. 1:15-cv-01150-RRB

**SCHEDULING and PLANNING ORDER**

Defendants have filed answers to the Complaint joining the issues. Based upon information available to the Court, it now enters this order for pre-trial development, setting the relevant dates for discovery, dispositive motions, and other important dates to provide for the orderly and prompt disposition of this case.<sup>1</sup>

**I. PARTIES and PLEADINGS**

No addition or deletion of parties is necessary at this time.

No amendment to the pleadings is necessary at this time.

Motions to add other parties and/or to amend pleadings subsequent to the date of this order must be served and filed **on or before December 19, 2016**. Thereafter, parties may be added and/or pleadings amended only upon leave of court and for good cause shown.

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<sup>1</sup> Fed. R. Civ. P. 16(b).

## II. DISCOVERY

Discovery must be conducted in accordance with Rules 26 through 37, Federal Rules of Civil Procedure, and Rules 250.1 – 250.4 of the Local Rules of Practice for the United States District Court, Eastern District of California, as modified or supplemented as follows:

(1) Each party must contemporaneously prepare and maintain a written record of all disclosures and supplementation of disclosures or responses made to requests for discovery under Rule 26(a) and (e), Federal Rules of Civil Procedure. Unless required in support of a motion or by order of the court, disclosures and supplemental disclosures need not be filed with the court.

(2) Disclosures required by Rule 26(a)(1) will be made not later than **December 19, 2016**.

(3) Preliminary disclosure of potential witnesses (a preliminary witness list) is required as a part of the Rule 26(a)(1) disclosure.

(4) All discovery must be scheduled to be completed by **May 22, 2017**. This date will be treated as final, and extensions in the discovery schedule will not be granted unless good cause is shown.

(5) In accordance with Federal Rule of Civil Procedure 30(a), defendants may depose plaintiff and any other witness confined in a prison upon condition that, at least fourteen (14) days before such a deposition, defendants serve all parties with the notice required by Federal Rule of Civil Procedure 30(b)(1).

(6) The parties are directed to separately prepare and file a preliminary statement of issues by **June 5, 2017**.

(7) On or before **June 5, 2017**, each party must serve and file a final, revised witness list, which must include expert as well as lay witnesses. Only those witnesses so disclosed will be permitted to testify at trial.

(8) The disclosures required by Rule 26(a)(3), Federal Rules of Civil Procedure, to the extent not covered by this order, will be addressed by the court in an Order for Pre-Trial Proceedings & Final Pre-Trial Conference that the Court will issue concurrent with setting this case for trial.

(9) The deadline for completion of discovery is applicable to all depositions, including what some lawyers call "perpetuation" depositions. A deposition may be taken after the close of discovery only by leave of court obtained upon a showing of good cause why the deposition was not taken prior to the close of discovery.

(10) If disputes arise about the parties' obligations to respond to requests for discovery, the parties must comply with all pertinent rules including Federal Rules of Civil Procedure 5, 7, 11, 26, and 37, and Rules 110, 130, 131, 133, 135, 142, 144, and 230(1) of the Local Rules of Practice for the United States District Court, Eastern District of California. Unless otherwise ordered, Local Rule 251 *does not apply*, and the requirement set forth in Federal Rules of Civil Procedure 26 and 37 that a party seeking relief from the court certify that he or she has in good faith conferred or attempted to confer with the other party or person in an effort to resolve the dispute prior to seeking court action *does not apply*. Voluntary compliance with this provision of Rules 26 and 37 is encouraged,

however. A discovery motion that does not comply with all applicable rules will be stricken and may result in imposition of sanctions.

### **III. MOTIONS**

Preliminary motion practice dealing with failure to exhaust administrative remedies, jurisdiction and venue must be filed by **December 23, 2016**. Other preliminary motions, especially those raising legal issues that have the potential for reducing necessary discovery, must be served and filed at the earliest time possible commensurate with the development of discovery, if any, necessary to support such motions.

All motions under the discovery rules must be filed not later than **June 5, 2017**.

Dispositive motions and motions *in limine* must be filed **on or before July 7, 2017**.

***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. Extensions of time will only be granted for good cause shown.***

### **IV. FURTHER PRE-TRIAL PROCEEDINGS**

Status, discovery, settlement, or other pre-trial conferences will be scheduled at the request of a party or at the discretion of the Court.

### **V. TRIAL**

When the time allowed for discovery and motion practice has passed, and all pending dispositive motions have been ruled upon, the Court will call upon the parties to certify the case ready for trial and to provide an estimate of how long trial is expected to last.

**VI. SUMMARY OF FILING DEADLINES**

**December 23, 2016** — Amend Pleadings/Rule 26(a)(1) Disclosures/Preliminary Witness List/Preliminary Motions.

**May 22, 2017** — Completion of Discovery.

**June 5, 2017** — Discovery Motions/Final Witness List/Preliminary Statement of Issues.

**July 7, 2017** — Dispositive Motions/Motions *in limine*.

**IT IS SO ORDERED** this 16<sup>th</sup> day of November, 2016.

S/ RALPH R. BEISTLINE  
UNITED STATES DISTRICT JUDGE