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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ELAINE K. VILLAREAL,  
Plaintiff,  
v.  
COUNTY OF FRESNO,  
Defendant.

Case No. 1:15-cv-01410-EPG (PC)  
ORDER SETTING CONFERENCE  
REGARDING SETTING OF AN  
EVIDENTIARY HEARING  
(ECF NO. 12)

On January 31, 2017, Defendant filed a motion to dismiss on the ground that Plaintiff failed to properly exhaust her administrative remedies. (ECF No. 12). Plaintiff filed an opposition (ECF No. 19) and Defendant filed a reply (ECF No. 20). The Court heard oral arguments on April 7, 2017, and took the matter under submission. (ECF No. 25). On April 11, 2017, the Court converted the motion to dismiss into a motion for summary judgment and gave both parties the opportunity to file additional evidence, as well as a reply and objections to the opposing parties' evidence. (ECF No. 26). On May 16, 2017, Defendant filed a reply and objections to Plaintiff's additional evidence. (ECF No. 28).<sup>1</sup> On June 7, 2017, Plaintiff filed supplemental additional evidence ("Supplemental Additional Evidence"). (ECF No. 30). On June 9, 2017, Defendant objected to Plaintiff's Supplemental Additional Evidence and requested that it be stricken. (ECF No. 31).

<sup>1</sup> Plaintiff served a copy of her additional evidence on Defendant, but did not file a copy with the Court. On June 13, 2017, Defendant filed a copy of Plaintiff's additional evidence. (ECF No. 33).

1 After reviewing the evidence, the Court has determined that there is a dispute of material  
2 fact and that an Albino evidentiary hearing is necessary. See Albino v. Baca, 747 F.3d 1162,  
3 1170 (9th Cir. 2014). Accordingly, the Court will set a conference regarding the setting of an  
4 evidentiary hearing. The parties should also be prepared to discuss the procedures and scope of  
5 the evidentiary hearing.

6 In accordance with the above, IT IS HEREBY ORDERED that:

- 7 1. A conference regarding the setting of an evidentiary hearing is set before Magistrate  
8 Judge Erica P. Grosjean on June 26, 2017, at 9:30 a.m. at the Robert E. Coyle Federal  
9 Courthouse, 2500 Tulare Street, Fresno, CA 93721 in Courtroom #10;
- 10 2. Counsel for Defendant is required to arrange for the participation of Plaintiff in the  
11 conference;
- 12 3. Plaintiff must appear telephonically. Defendant's counsel may either appear in person  
13 or telephonically. To appear telephonically, the parties are directed to use the  
14 following dial-in number and passcode: 1-888-251-2909; passcode 1024453; and
- 15 4. The Clerk of Court is directed to serve a copy of this order on the Fresno County  
16 Sheriff's Office and the Fresno County Jail Supervisor/Inmate Coordinator.

17 IT IS SO ORDERED.

18  
19 Dated: June 15, 2017

20 /s/ Erica P. Grosjean  
21 UNITED STATES MAGISTRATE JUDGE  
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