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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

AVERILLE WILLIS,
Plaintiff,
v.
NELLYA KANDKHOROVA,
Defendant.

CASE No. 1:15-cv-01572-AWI-MJS (PC)
ORDER REGARDING DISCOVERY
DISPUTE PROCEDURES

Plaintiff is a former state prisoner proceeding in forma pauperis and with counsel in this civil rights action filed pursuant to 42 U.S.C. § 1983. The matter proceeds against Defendant Kandkhorova on Plaintiff's Eighth Amendment claim for inadequate medical care.

On June 20, 2016, the Court issued a discovery and scheduling order. (ECF No. 17.) At that time, Plaintiff was proceeding pro se and, accordingly, the Court ordered that neither Local Rule 251 nor the Federal Rules of Civil Procedure 26 and 37 requirement of a discovery conference would apply.

However, given the recent appointment of counsel for Plaintiff, all discovery disputes in this matter henceforth will be governed by the following procedures:

No written discovery motion may be noticed or set for hearing before Magistrate Judge Michael J. Seng without his prior approval.

A party with a discovery dispute shall confer with opposing counsel in a good faith

1 effort to resolve the dispute without court action. If such effort fails, the moving party
2 shall, prior to filing a notice of motion, contact Courtroom Deputy Megan Lafata at
3 mlafata@caed.uscourts.gov to request a pre-motion Telephonic Discovery Dispute
4 Conference (TDDC) with the Magistrate Judge. The request shall be deemed to include
5 a professional representation by the requesting lawyer that a good faith effort to resolve
6 the dispute took place but failed, and it shall advise the Court of dates and times in the
7 next five day period when all concerned parties will be available to confer regarding the
8 dispute.

9 The Court will issue a Minute Order advising counsel of the time and date of the
10 telephone conference. No recording of the conference shall take place except with prior
11 permission of the Court.

12 Not later than four business hours before the scheduled conference, each party
13 may submit a one page brief objectively and factually outlining the dispute, the party's
14 position on it, and the reasons therefore to mjsorders@caed.uscourts.gov The one page
15 shall be in at least twelve point type and include the above-described information, the
16 name of the party and the date of submission. It shall contain nothing more. There shall
17 be no attachments. There shall be no editorializing. Inclusion therein of adjectives or
18 adverbs or any characterization of an opponent's motives, methods, character, past
19 practices, or the like shall subject the author to sanctions.

20 If the Magistrate Judge decides that motion papers and supporting memoranda
21 are needed to satisfactorily resolve the dispute or if a dissatisfied party requests the
22 Court, he shall approve the filing of a written motion in conformity with Local Rule 251(a).
23 (The provisions of Local Rule 251 (b) through (f) will not apply unless the Magistrate
24 Judge so orders.) Such motion shall, without limitation, (1) quote in full each
25 interrogatory, deposition question, request for admission, or request for production in
26 dispute and (2) the response or objection and grounds therefore as stated by the
27 opposing party.

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Unless otherwise ordered by the Court, deposition transcripts or discovery papers shall not be lodged or filed with the Court.

IT IS SO ORDERED.

Dated: February 10, 2017

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE