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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA
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10 DEBRA BERRY,

11 Plaintiff,

12 v.

13 YOSEMITE COMMUNITY COLLEGE
14 DISTRICT, *et al.*,

15 Defendant.
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Case No. 1:16-cv-00411-LJO-EPG

ORDER GRANTING IN PART
DEFENDANTS' MOTION TO COMPEL
AND ORDERING FURTHER DISCLOSURES

(ECF No. 48)

ORDER MODIFYING SCHEDULING
ORDER

THIRTY (30) DAY DEADLINE

17 Debra Berry ("Plaintiff") is proceeding *pro se* and *in forma pauperis* in this civil rights
18 action filed pursuant to 42 U.S.C. § 1983 and 2000d.

19 On January 4, 2019, Defendants filed a motion to compel, requesting sanctions and
20 additional deposition testimony. (ECF No. 48.) The Court held a hearing on January 25, 2018.
21 (ECF No. 59.) Plaintiff appeared telephonically and Ms. Kellie M. Murphy, attorney for
22 Defendants, appeared telephonically.

23 For the reasons stated on the record, Defendants' motion to compel is granted in part
24 and denied in part.

25 Plaintiff is ordered within thirty (30) days from the date of this order to provide
26 defendants the following in writing and under oath:

- 27 1. A list of all cases Plaintiff was involved in within the last 10 years, including,
28 the case name, case number, and a brief description of the subject matter;

- 1 2. A written statement as to whether Plaintiff claims emotional distress damages,
 2 and if so the specific basis of that claim¹; and
- 3 3. A statement stating whether Plaintiff has any documents that she looked at
 4 during her deposition, which have not already been provided to defendants. If
 5 so, describe the documents.

6 Defendants have leave to file a supplement to their motion to compel requesting further
 7 information within 14 days after receipt of Plaintiff’s submission.

8 Also as discussed on the record, the Court also finds good cause to further modify the
 9 Scheduling Order, (ECF Nos. 28, 47). The Court makes this modification with the
 10 understanding that the parties will participate in a settlement conference to be set in May 2019.

11 Accordingly, the schedule in this action is further modified as follows:

	Current Date	New Date
12 Non-Expert Disclosure	November 16, 2018	April 15, 2019
13 Initial Expert Disclosure:	February 25, 2019	June 17, 2019
14 Expert Rebuttal/Supplemental:	March 25, 2019	July 15, 2019
15 Expert Discovery Cut-off:	April 29, 2019	August 12, 2019
16 Non-Dispositive Motion Filing:	May 6, 2019	August 26, 2019
17 Dispositive Motion Filing:	May 28, 2019	September 9, 2019
18 Dispositive Motion Hearing:	June 27, 2019	October 4, 2019
19 Pretrial Conference:	August 8, 2019	December 6, 2019
20 Jury Trial:	November 5, 2019	March 3, 2020

21 IT IS SO ORDERED.

22 Dated: January 30, 2019

23 /s/ Eric P. Grosz
 24 UNITED STATES MAGISTRATE JUDGE

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26 ¹ “When a plaintiff puts his mental health at issue by alleging emotional distress, he waives his psychologist-
 27 patient privilege for relevant mental health records. The defendant is entitled to discover any records relevant to
 28 the plaintiff’s emotional distress. . . . [S]uch records and testimony are relevant in showing causation or the degree
 of the alleged emotional distress. Even if the plaintiff stipulates that he will not introduce any psychologist or
 expert testimony, the records may still be relevant to show causation and magnitude.” *Carrig v. Kellogg USA Inc.*,
 CASE NO. C12-837RSM, 2013 WL 392715 (W.D. Wash. Jan. 30, 2013).