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10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE EASTERN DISTRICT OF CALIFORNIA  
12 FRESNO DIVISION

13  
14 **KHADAPHI PROCTOR,**

15 Plaintiff,

16 v.

17  
18 **JIMMY MACIAS, et al.,**

19 Defendants.

1:16-cv-01120 DAD SKO

20 **STIPULATION AND ORDER TO STAY  
DISCOVERY FOR PURPOSES OF  
CONDUCTING SETTLEMENT  
CONFERENCE**

21 (Doc. 43)

22 Judge: The Honorable Sheila K.  
Oberto

23 Trial Date: January 19, 2019

24 Action Filed: August 1, 2016

25 The parties, by and through their attorneys of record, stipulate as follows:

26 1. A settlement conference is currently set in this case for June 12, 2018.

27 2. The parties have exchanged initial disclosures and have conducted written discovery.

28 Plaintiff's responses to Defendants' Ochoa, Short, Macias, Curry, Santos, Hudson, and Jimenez's  
Requests for Production Set Two, Defendant Macias's Interrogatories Set Two, and Requests for  
Admissions, Set One remain outstanding. Plaintiff has also agreed to provide supplemental

1 responses to some of Defendants' interrogatories. The parties need to meet and confer in an  
2 attempt to resolve Defendants' objections to Plaintiff's discovery, including meeting and  
3 conferring on documents identified on a privilege log produced by Defendants Ochoa, Short,  
4 Macias, Curry, Santos, Hudson, and Jimenez. Moreover, Defendants anticipate a discovery  
5 dispute pertaining to Samantha Bone, an investigator who allegedly interviewed Plaintiff's  
6 witness Jacob Robertson.

7 3. Jacob Robertson was deposed on October 3, 2017, and the depositions of Plaintiff and  
8 Constance Carter are set for October 18-19, 2017 in San Diego, California. Plaintiff has indicated  
9 he will be deposing at least three or more of the Defendants.

10 4. An earlier settlement conference would be beneficial to the parties, in that it would  
11 allow the parties to ascertain whether this case can be settled prior to the expenditure of  
12 significant resources to take depositions of defendants, plaintiff and other witnesses, to conduct  
13 expert witness discovery, and to resolve outstanding discovery disputes. Accordingly, the parties  
14 have requested that the court set a settlement conference as expeditiously as possible, preferably  
15 in November 2017.

16 5. Further, in order to conserve resources, discovery shall be stayed pending completion  
17 of the settlement conference. Depositions of Plaintiff and Constance Carter, currently set for  
18 October 18-19, 2017 shall be taken off calendar. In the event this case is not settled at the  
19 conference, the previously served notices of deposition shall be effective for any date later agreed  
20 to by the parties. In addition, Plaintiff shall serve responses to Defendants' outstanding written  
21 discovery within two weeks after the date of the settlement conference.

22 6. If the case is not settled, the parties will meet and confer and present to the Court a  
23 revised schedule for the completion of fact and expert discovery and the filing of dispositive and  
24 non-dispositive motions within two weeks of the date of the settlement conference. At this time,  
25 the parties do not anticipate that the trial date will need to be changed.

Respectfully Submitted,

Dated: October 6, 2017

KAMALA D. HARRIS  
Attorney General of California  
LAWRENCE R. BRAGG  
Acting Supervising Deputy Attorney General

/s/ Arthur B. Mark III

ARTHUR B. MARK III  
Deputy Attorney General  
*Attorneys for Defendants  
Santos, Short, Curry, Ochoa, Jimenez, Hudson  
and Macias*

Dated: October 6, 2017

**FILER | PALMER, LLP**

By: /s/ Justin A. Palmer (as authorized on October 6, 2017)

Justin A. Palmer  
Attorneys for Plaintiff  
KHADAPHI PROCTOR

Dated: October 6, 2017

ANDRADA & ASSOCIATES

/s/ Lynn G. Stocker (as authorized on October 6, 2017)

LYNNE. G. STOCKER  
Attorneys for Defendant Smalley

**ORDER**

The Court having reviewed the parties' above stipulation (Doc. 43) and good cause appearing, the stipulation is GRANTED. It is hereby ORDERED that:

1. Discovery is STAYED pending completion of the settlement conference, to be held on December 14, 2017, at 1:00 p.m. in Courtroom 10 (EPG) before Magistrate Judge Erica P. Grosjean. In the event this case is not settled at the conference, the previously-served notices of deposition shall be effective for any date later agreed to by the parties. In addition, Plaintiff shall serve responses to Defendants'

1 outstanding written discovery within two weeks after the date of the settlement  
2 conference; and

- 3 2. If the case is not settled as a result of the settlement conference, the parties  
4 SHALL meet and confer and present to the Court a revised schedule for the  
5 completion of fact and expert discovery and the filing of dispositive and non-  
6 dispositive motions **by no later than December 29, 2017**. Any modification to  
7 the discovery deadlines SHALL NOT affect the previously-set pretrial conference  
8 and trial dates in this case.

9  
10 IT IS SO ORDERED.

11 Dated: **October 19, 2017**

/s/ Sheila K. Overt  
UNITED STATES MAGISTRATE JUDGE