

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

11 ROGER WALKER,
12 Plaintiff,
13 v.
14 TIM POOLE, et al.,
15 Defendants.
16

Case No. 1:16-cv-01665-AWI-EPG (PC)
ORDER FOLLOWING INITIAL
SCHEDULING CONFERENCE
(ECF NO. 66)

17 Roger Walker (“Plaintiff”) is a civil detainee proceeding *pro se* and *in forma pauperis*
18 in this civil rights action filed pursuant to 42 U.S.C. § 1983. On January 28, 2019, the Court
19 held an Initial Scheduling Conference (“Conference”). Plaintiff telephonically appeared on his
20 own behalf. Counsel Jeremy Schroeder telephonically on behalf of defendant Saloum, and
21 counsel Lee Roistacher telephonically on behalf of defendants Pool, Davis, Nicks, and
22 Perryman.

23 During the Conference, and with the benefit of scheduling conference statements
24 provided by the parties, the Court and the parties discussed relevant documents in this case and
25 their possible locations. In addition to opening discovery generally, the Court ordered that
26 certain documents that are central to the dispute be promptly produced.

27 Therefore, in an effort to secure the just, speedy, and inexpensive disposition of this
28

1 action,¹ and after consideration of Federal Rule of Civil Procedure 26(b)(1),² IT IS ORDERED³
2 that:

- 3 1. Within thirty days from the date of service of this order, Plaintiff shall serve
4 Defendants' counsel (Mr. Schroeder and Mr. Roistacher) with his initial disclosures.
5 As discussed in the Court's prior order (ECF No. 54), Plaintiff shall provide
6 Defendants with "[t]he name and, if known, the address and telephone number of
7 each individual likely to have discoverable information—along with the subjects of
8 that information—that [Plaintiff] may use to support [his] claims or defenses, unless
9 the use would be solely for impeachment." (Id. at 2). Plaintiff shall also provide
10 Defendants with a "copy—or a description by category and location—of all
11 documents, electronically stored information, and tangible things that [Plaintiff] has
12 in [his] possession, custody, or control and may use to support [his] claims or
13 defenses, unless the use would be solely for impeachment." (Id.);
14 2. If any party subpoenas and receives documents related to this case, that party must
15

16 ¹ See, e.g., *United States v. W.R. Grace*, 526 F.3d 499, 508–09 (9th Cir. 2008) (“We begin with the
17 principle that the district court is charged with effectuating the speedy and orderly administration of justice. There
18 is universal acceptance in the federal courts that, in carrying out this mandate, a district court has the authority to
19 enter pretrial case management and discovery orders designed to ensure that the relevant issues to be tried are
20 identified, that the parties have an opportunity to engage in appropriate discovery and that the parties are
21 adequately and timely prepared so that the trial can proceed efficiently and intelligibly.”).

22 ² Federal Rule of Civil Procedure 26 provides that “[p]arties may obtain discovery regarding any
23 nonprivileged matter that is relevant to any party's claim or defense and proportional to the needs of the case,
24 considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative
25 access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and
26 whether the burden or expense of the proposed discovery outweighs its likely benefit.” Fed. R. Civ. P. 26(b)(1).
27 “Information within this scope of discovery need not be admissible in evidence to be discoverable.” *Ibid.*

28 ³ Pursuant to Federal Rule of Civil Procedure 16, “[a]t any pretrial conference, the court may consider
and take appropriate action on the following matters: . . . controlling and scheduling discovery, including orders
affecting disclosures and discovery under Rule 26 and Rules 29 through 37” and “facilitating in other ways the
just, speedy, and inexpensive disposition of the action.” Fed. R. Civ. P. 16(c)(2)(F). See also *Little v. City of
Seattle*, 863 F.2d 681, 685 (9th Cir. 1988) (“The district court has wide discretion in controlling discovery.”).
Federal Rule of Civil Procedure 16 vests the district court with early control over cases “toward a process of
judicial management that embraces the entire pretrial phase, especially motions and discovery.” *In re Arizona*,
528 F.3d 652, 655 (9th Cir. 2008) (affirming district court's requiring that prison officials prepare a *Martinez*
report to give detailed factual information involving a prisoner's suit under 42 U.S.C. § 1983 and stating “district
courts have wide latitude in controlling discovery.”). See also Advisory Committee Notes to 1993 Amendment to
Federal Rules of Civil Procedure regarding Rule 26(a) (“The enumeration in Rule 26(a) of items to be disclosed
does not prevent a court from requiring by order or local rule that the parties disclosed additional information
without a discovery request.”).

1 promptly provide those documents to all other parties.

2 3. If any party receives documents from Coalinga State Hospital, that party must
3 promptly provide those documents to all other parties.

4 4. Parties do not need to produce documents they have already provided, documents
5 provided to them by the opposing party, or documents that the opposing party
6 already has.

7 5. Parties may object to producing any of the above-listed documents. Objections
8 shall be made in writing and served on all other parties, as well as filed with the
9 Court. If any objection is made on the basis of privilege, the objecting party shall
10 include a privilege log (*see* the scheduling order for detailed discovery procedures).
11 If any objection is made based on the official information privilege, in addition to
12 providing a privilege log, the objecting party must inform all other parties in writing
13 and submit the allegedly privileged documents to the Court for *in camera* review.

14 6. An objection or privilege assertion can be challenged via a motion to compel.

15 Additionally, IT IS ORDERED that:

- 16 1. For the reasons stated on the record, Plaintiff's motion objecting to Defendants'
17 request for reassignment of this case (ECF No. 66) is DENIED; and
18 2. Plaintiff's motion to compel discovery (ECF No. 67) is converted to a discovery
19 requests. Defendants shall file their supplemental opposition no later than
20 February 11, 2019. Plaintiff shall file his reply to Defendants' supplemental
21 opposition no later than March 11, 2019.

22
23 IT IS SO ORDERED.

24 Dated: February 1, 2019

25 /s/ Eric P. Gray
26 UNITED STATES MAGISTRATE JUDGE
27
28