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2
3 UNITED STATES DISTRICT COURT
4 EASTERN DISTRICT OF CALIFORNIA
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6 MARIO AMADOR GONZALEZ,

7 Plaintiff,

8 v.

9 DR. SCHARFFENBERG and R.N. S. SOTO,

10 Defendants.
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Case No. 1:16-cv-01675-DAD-EPG (PC)

DISCOVERY ORDER FOLLOWING
INITIAL SCHEDULING CONFERENCE

12 Mario Gonzalez (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis*
13 in this civil rights action filed pursuant to 42 U.S.C. § 1983. On October 4, 2017, the Court
14 held an Initial Scheduling Conference (“Conference”). Plaintiff telephonically appeared on his
15 own behalf. Deputy Attorney General Sean Lodholz and Supervising Deputy Attorney General
16 Jon Allin telephonically appeared on behalf of Defendants.

17 During the Conference, the parties discussed the relevant documents in this case and
18 their possible locations. In an effort to secure the just, speedy, and inexpensive disposition of
19 this action,¹ and after consideration of the factors in Federal Rule of Civil Procedure 26(b)(1),²
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23 ¹ See, e.g., *United States v. W.R. Grace*, 526 F.3d 499, 508–09 (9th Cir. 2008) (“We begin with the
24 principle that the district court is charged with effectuating the speedy and orderly administration of justice. There
25 is universal acceptance in the federal courts that, in carrying out this mandate, a district court has the authority to
26 enter pretrial case management and discovery orders designed to ensure that the relevant issues to be tried are
27 identified, that the parties have an opportunity to engage in appropriate discovery and that the parties are
28 adequately and timely prepared so that the trial can proceed efficiently and intelligibly.”).

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

1 IT IS ORDERED³ that:

- 2 1. Plaintiff has until November 1, 2017, to serve his initial disclosures on Defendants.
3 As discussed in the Court’s prior order (ECF No. 75), Plaintiff shall provide
4 Defendants with “[t]he name and, if known, the address and telephone number of
5 each individual likely to have discoverable information—along with the subjects of
6 that information—that [Plaintiff] may use to support [his] claims or defenses, unless
7 the use would be solely for impeachment.” (Id. at 2). Plaintiff shall also provide
8 Defendants with a “copy—or a description by category and location—of all
9 documents, electronically stored information, and tangible things that [Plaintiff] has
10 in [his] possession, custody, or control and may use to support [his] claims or
11 defenses, unless the use would be solely for impeachment.” (Id.);
- 12 2. Defendants have until November 3, 2017, to provide Plaintiff with copies of all
13 medical records they have obtained related to the incident described in the
14 complaint. If Defendants obtain any additional relevant medical records,
15 Defendants shall provide Plaintiff with a copy of those records. If Defendants have
16 an objection to providing any of the medical records to Plaintiff, Defendants shall
17 inform Plaintiff that they are making the objection. Plaintiff may challenge any
18 objection by filing a motion to compel;
- 19 3. If Plaintiff obtains relevant medical records beyond what Defendants provide to
20 him, he must provide a copy of those records to Defendants. If Plaintiff has an
21 objection to providing any of the medical records to Defendants, Plaintiff shall
22 inform Defendants that he is making the objection. Defendants may challenge any

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24 ³ Pursuant to Federal Rule of Civil Procedure 16, “[a]t any pretrial conference, the court may consider
25 and take appropriate action on the following matters: . . . controlling and scheduling discovery, including orders
26 affecting disclosures and discovery under Rule 26 and Rules 29 through 37” and “facilitating in other ways the
27 just, speedy, and inexpensive disposition of the action.” Fed. R. Civ. P. 16(c)(2)(F). *See also Little v. City of*
28 *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.”).

1 objection by filing a motion to compel; and

- 2 4. Plaintiff has until November 3, 2017, to provide Defendants with copies of all
3 prison law office correspondence related to this case. If Plaintiff has an objection to
4 providing any of the correspondence to Defendants, Plaintiff shall inform
5 Defendants that he is making the objection. Defendants may challenge any
6 objection by filing a motion to compel.

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8 IT IS SO ORDERED.

9 Dated: October 11, 2017

10 /s/ Eric P. Gray
11 UNITED STATES MAGISTRATE JUDGE
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