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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA
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9 TRENELL MONSON,

10 Plaintiff,

11 v.

12 R. MELKONIAN,

13 Defendant.
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Case No. 1:17-cv-00395-EPG (PC)

ORDER FOLLOWING TELEPHONIC
DISCOVERY AND STATUS
CONFERENCE

(ECF NO. 64)

ORDER DIRECTING CLERK TO SEND
PLAINTIFF A BLANK SUBPOENA (FORM
AO 88B) AND FORM USM-285

15 Trenell Monson ("Plaintiff") is a prisoner¹ proceeding *pro se* and *in forma pauperis* in
16 this civil rights action filed pursuant to 42 U.S.C. § 1983.

17 On October 9, 2019, the Court held a discovery and status ("Conference"). Plaintiff
18 telephonically appeared on his own behalf. Counsel Leslie Dillahunty telephonically appeared
19 on behalf of Defendant. Counsel Scott Hawkins telephonically appeared on behalf of non-party
20 Fresno County Sheriff's Department ("FCSD").

21 For the reasons stated on the record at the Conference, IT IS ORDERED that:

- 22 1. Plaintiff's motion for a third party subpoena directed at FCSD for the staff
23 response to grievance #2016110207 (ECF No. 64) is GRANTED. Plaintiff has
24 thirty days from the date of service of this order to complete and return a
25 subpoena and USM-285 form.
- 26 2. The Clerk of Court is directed to send Plaintiff a blank subpoena (form AO 88B)

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28 ¹ Plaintiff has alleged that he was a pretrial detainee at the time of the incidents described in the
complaint.

and form USM-285.

3. FCSO has thirty days from the date of service of this order to submit for *in camera* review the video footage that includes the incident on November 21, 2016, that occurred in MJ4, as well as all incident reports related to the incident alleged in Plaintiff's complaint (including all evidence and witness accounts gathered during the investigation(s)). At the same time, FCSO shall file a brief regarding why the video and incident reports, or any part thereof, are subject to the official information privilege, as well as proposed redactions. If any information in the brief is confidential, those portions of the brief may be redacted from the filed version. If the filed version has redactions, an unredacted version of the brief shall be sent to the Court at epgorders@caed.uscourts.gov.
4. FCSO has thirty days from the date of service of this order to submit a brief regarding its position on production of the picture(s) taken of Deon Walker on November 21, 2016.
5. The Court narrows the request identified as Item No. 3 in FCSO's response and objections (ECF No. 62, p. 3) to all grievances and complaints that have been filed on Defendant during his employment at Fresno County Jail during the five-year period before the incident alleged in the complaint. However, FCSO and Defendant only have to produce grievances and complaints if they are in Defendant's personnel file or referred to in his personnel file, and if they relate to excessive force, failure to protect, or other mistreatment of inmates. FCSO and Defendant have thirty days from the date of service of this order to produce the grievances and/or complaints, or to file objections to the request. If FCSO or Defendant files objections, Plaintiff has fourteen days from the date of service of the objections to file his response.
6. The deadlines in this case are modified as follows:
 - a. The dispositive motion filing deadline is January 17, 2020.

- b. The expert disclosure deadline is June 5, 2020.
- c. The rebuttal expert disclosure deadline is July 3, 2020.
- d. Motion(s) for the attendance of confined witnesses, if any, must be filed on or before June 3, 2020. Opposition(s), if any, must be filed on or before July 6, 2020.
- e. If Plaintiff wishes to have the Marshals Service serve any unincarcerated witnesses who refuse to testify voluntarily, Plaintiff must submit the money orders to the Court no later than July 6, 2020. In order to ensure timely submission of the money orders, Plaintiff must notify the Court of the names and locations of his witnesses, in compliance with the instructions in the scheduling order (ECF No. 47, p. 8), no later than June 3, 2020.
- f. Plaintiff's deadline to file and serve a pretrial statement is June 3, 2020. Defendant shall file and serve a pretrial statement on or before July 6, 2020.
- g. The telephonic trial confirmation hearing is set on August 3, 2020, at 10:00 a.m.
- h. The trial is set on November 3, 2020, at 8:30 a.m., in Courtroom 10.
7. All other dates and deadlines remain as previously set.

IT IS SO ORDERED.

Dated: October 10, 2019

/s/ Eric P. Goss
UNITED STATES MAGISTRATE JUDGE