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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID PHILLIPS-KERLEY,

Plaintiff,

v.

CITY OF FRESNO, AND DOES 1  
THROUGH 10, INCLUSIVE,

Defendants.

Case No. 1:18-cv-00438-AWI-BAM

**ORDER LIFTING STAY OF DISCOVERY**

**AMENDED SCHEDULING ORDER**

Plaintiff's

Rule 26 Disclosures: May 5, 2021

Non-Expert

Discovery Deadline: November 15, 2021

The Court held a scheduling conference on March 15, 2021. Plaintiff David Phillips-Kerley, proceeding *in propria persona*, appeared by telephone. Counsel Joseph Rubin appeared by telephone on behalf of Defendant City of Fresno. As discussed at the conference, the stay of discovery in this action is HEREBY LIFTED. The Court sets an amended schedule for this action.

**1. Fed. R. Civ. P. 26(a)(1) Disclosures**

Plaintiff shall complete initial disclosures no later than **May 5, 2021**.

**2. Amendments to the Parties' Pleadings**

On March 9, 2021, Plaintiff filed a motion for leave to file a supplemental complaint. (Doc. 101.) As discussed at the conference, the Court sets the following schedule for briefing on the motion: Defendant's opposition shall be served and filed no later than **April 6, 2021**.

1 Defendant shall serve Plaintiff with a copy of the motion by electronic mail at the address  
2 provided during the conference.

3 Plaintiff's reply, if any, shall be served and filed no later than **April 22, 2021**.

4 The hearing currently scheduled for April 23, 2021 is HEREBY CONTINUED to **May 7,**  
5 **2021, at 9:00 AM in Courtroom 8 (BAM) before Magistrate Judge Barbara A. McAuliffe.**

6 The parties may appear at the hearing by telephone with each party using the following dial-in  
7 number and access code: **dial-in number 1-877-411-9748; access code 3219139.**

### 8 **3. Discovery Cutoffs and Limits**

9 All non-expert discovery, including motions to compel, shall be completed no later than  
10 **November 15, 2021**. Compliance with this discovery cutoff requires motions to compel be filed  
11 and heard sufficiently in advance of the cutoff so that the Court may grant effective relief within  
12 the allotted discovery time. A party's failure to have a discovery dispute heard sufficiently in  
13 advance of the discovery cutoff may result in denial of the motion as untimely.

### 14 **4. Pretrial Motions**

15 Non-dispositive motions are heard on Fridays at 9:00 a.m., before the Honorable Barbara  
16 A. McAuliffe, United States Magistrate Judge, in Courtroom 8. Before scheduling non-dispositive  
17 motions, the parties shall comply with Local Rule 230 or Local Rule 251. Counsel must comply  
18 with Local Rule 251 with respect to discovery disputes or the motion will be denied without  
19 prejudice and dropped from calendar. In addition to filing a joint statement electronically, a copy  
20 of the joint statement shall also be sent Judge McAuliffe's chambers by email to  
21 [bamorders@caed.uscourts.gov](mailto:bamorders@caed.uscourts.gov).

22 The parties are advised that unless prior leave of the Court is obtained, all moving and  
23 opposition briefs or legal memorandum in civil cases before Judge McAuliffe shall not exceed  
24 twenty-five (25) pages. Reply briefs by the moving party shall not exceed ten (10) pages. These  
25 page limitations do not include exhibits. Briefs that exceed this page limitation, or are sought to  
26 be filed without leave, may not be considered by the Court.

27 Counsel or pro se parties may appear and argue non-dispositive motions before Judge  
28 McAuliffe by telephone by dialing the court's teleconference line at (877) 411-9748 and entering

1 Access Code 3219139, provided they indicate their intent to appear telephonically on their  
2 pleadings or by email to evaldez@caed.uscourts.gov at least one week prior to the hearing.

3 Dispositive pretrial motions are heard in Courtroom 2 before the Honorable Anthony W.  
4 Ishii, Senior District Judge. In scheduling such motions, the parties shall comply with Local Rules  
5 230 and 260.

6 **5. Effect of this Order**

7 If the parties determine at any time that the schedule outlined in this order cannot be met,  
8 the parties are ordered to notify the Court immediately of that fact so that adjustments may be  
9 made, either by stipulation or by subsequent status conference. Stipulations extending the  
10 deadlines contained herein will not be considered unless they are accompanied by affidavits or  
11 declarations with attached exhibits, where appropriate, which establish good cause for granting  
12 the relief requested.

13 Failure to comply with this order shall result in the imposition of sanctions.

14 A copy of this Order will be served on Plaintiff Phillips-Kerley at his last known address.

15  
16 IT IS SO ORDERED.

17 Dated: March 15, 2021

17 /s/ Barbara A. McAuliffe  
18 UNITED STATES MAGISTRATE JUDGE