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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID PHILLIPS-KERLEY,

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

Plaintiff,

**ORDER SETTING FURTHER STATUS  
CONFERENCE**

v.

CITY OF FRESNO FIRE DEPARTMENT,  
et al.,

Defendants.

\_\_\_\_\_ /

On November 9, 2020, the Court held a telephonic status conference in this action. Plaintiff David Phillips-Kerley appeared *in propria persona*. Counsel Joseph Rubin appeared by telephone on behalf of Defendant City of Fresno. The purpose of the status conference was to address whether Plaintiff had secured new counsel or intended to represent himself *in propria persona*, whether the stay of discovery should be lifted, and whether the Scheduling Order in this case required modification.

At the conference, Plaintiff requested additional time to secure counsel. Defendant did not object to this request. Plaintiff therefore will be granted additional time to secure new counsel or to otherwise determine how he would like to proceed in this action. Discovery shall remain stayed and any remedies available to Defendant for Plaintiff's failure to provide timely initial disclosures are preserved.

Accordingly, the Court sets a FURTHER TELEPHONIC STATUS CONFERENCE in this

1 matter for **December 14, 2020, at 9:00 AM in Courtroom 8 (BAM) before Magistrate Judge**  
2 **Barbara A. McAuliffe**. The purpose of the conference will be to address whether Plaintiff has  
3 secured new counsel or intends to represent himself *in propria persona*, whether the stay of discovery  
4 should be lifted, and whether the Scheduling Order in this case requires modification. The parties shall  
5 appear at the conference by telephone with each party using the following dial-in number and access  
6 code: **dial-in number 1-877-411-9748; access code 3219139**. If Plaintiff secures new counsel and a  
7 notice of substitution of counsel is filed before the date set for the conference, then the conference may  
8 be advanced.

9  
10 Plaintiff is cautioned that the failure to appear at the conference may result in the imposition of  
11 sanctions, including terminating sanctions. A copy of this Order will be served on Plaintiff at his last  
12 known address.

13 IT IS SO ORDERED.

14 Dated: **November 9, 2020**

/s/ Barbara A. McAuliffe  
15 UNITED STATES MAGISTRATE JUDGE  
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