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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 SETTING SCHEDULING
CONFERENCE**

On February 2, 2021, the Court held a further telephonic status conference in this action. Plaintiff David Phillips-Kerley, proceeding *in propria persona*, appeared by telephone. Counsel Ilan Rosen Janfaza specially appeared by telephone on behalf of Plaintiff Phillips-Kerley. Counsel Joseph Rubin appeared by telephone on behalf of Defendant City of Fresno. The primary purpose of the conference was to address whether Plaintiff Phillips-Kerley had secured new counsel or intended to proceed *in propria persona*.

At the conference, specially appearing counsel on behalf of Plaintiff Phillips-Kerley requested additional time, up to sixty (60) days, to review and analyze this action and to determine representation, including potential co-counsel. Defendant objected to the request, noting that Plaintiff Phillips-Kerley has had since July of 2020 to secure new counsel. Defendant asserted that further delays are prejudicial because witnesses with the City of Fresno have retired

1 or are leaving employment. In response to Defendant's objection, Plaintiff Phillips-Kerley
2 indicated that he did not believe he could seek out new counsel until after the Court issued its
3 order in October 2020 granting withdrawal of his prior counsel.

4 Having considered the parties' representations and arguments, Plaintiff Phillips-Kerley
5 will be granted **one last and final continuance** to secure new counsel or to otherwise determine
6 how he would like to proceed in this action. The matter will be set for a further Scheduling
7 Conference to address the stayed discovery deadlines in this action.

8 Accordingly, the Court sets a FURTHER SCHEDULING CONFERENCE in this action
9 on **March 15, 2021, at 10:00 AM in Courtroom 8 (BAM) before Magistrate Judge Barbara**
10 **A. McAuliffe**. The parties shall meet and confer prior to the conference. No later than **March**
11 **10, 2021**, the parties shall file a Joint Scheduling Report with proposed amended discovery,
12 pretrial and trial deadlines for the Court's consideration. The parties shall appear at the
13 conference by telephone with each party using the following dial-in number and access code:
14 **dial-in number 1-877-411-9748; access code 3219139.**

15 If Plaintiff secures new counsel prior to the conference, then a notice of substitution of
16 counsel must be filed before the date set for the conference.

17 A copy of this Order will be served on Plaintiff Phillips-Kerley at his address on the
18 docket.

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20 IT IS SO ORDERED.

21 Dated: **February 3, 2021**

22 /s/ Barbara A. McAuliffe
23 UNITED STATES MAGISTRATE JUDGE
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