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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

ROGER DOUGLAS,
Plaintiff,

v.

HEATHER SHIRLEY, et. al.,
Defendants.

Case No. 1:23-cv-00653-EPG (PC)
**ORDER REQUIRING STATEMENTS
FROM PARTIES REGARDING
SCHEDULE AND DISCOVERY
THIRTY (30) DAY DEADLINE**

The Court has screened Plaintiff’s complaint and has ordered the case to proceed. (ECF No. 9.) Parties have been ordered to confer and consider participating in an early scheduling conference. (ECF No. 16.) As directed by the Court, Defendants timely filed a notice opting out of the early settlement conference. (ECF No. 19.) The case will now proceed to litigation. Before scheduling this case, however, the Court will require each party to submit a statement regarding the schedule and discovery matters.

The statements regarding the schedule and discovery shall be filed within thirty days from the date of service of this order. They should be filed with the Court, titled “SCHEDULING AND DISCOVERY STATEMENT,” and include the name of the party filing the statement. They shall address all of the following issues:

- i. A brief summary of the parties’ claims and/or defenses.

- 1 ii. The name and, if known, the address and telephone number of each witness,
2 besides expert witnesses, the party may call at trial.
- 3 iii. A description by category and location of all documents the party may use at
4 trial.
- 5 iv. Whether any third parties, other than Plaintiff’s institution of confinement, are
6 likely to have relevant documents.
- 7 v. Whether the party intends to use expert witnesses.
- 8 vi. If a settlement conference has not occurred, when the party will be prepared to
9 participate in a settlement conference.

10 Defendant(s)’ Scheduling and Discovery Statement shall also address all of the following
11 issues:

- 12 vii. Whether a third-party subpoena directed at Plaintiff’s institution of
13 confinement will be necessary to obtain relevant documents.
- 14 viii. Whether Defendant(s) intend to challenge the issue of exhaustion and, if so,
15 when Defendant(s) will be ready to file a motion for summary judgment
16 regarding the issue of exhaustion.
- 17 ix. Whether witness statements and/or evidence were generated from
18 investigation(s) related to the event(s) at issue in the complaint, such as an
19 investigation stemming from the processing of Plaintiff’s grievance(s).¹
- 20 x. Whether there are any video recordings or photographs related to the
21 incident(s) at issue in the complaint, including video recordings and
22 photographs of Plaintiff taken following the incident(s).
- 23 xi. Whether Defendant(s) intend to argue that Defendant(s) are not properly
24 named because they are not the individual(s) responsible for the action(s)

26 ¹ See *Woodford v. Ngo*, 548 U.S. 81, 94-95 (2006) (“[P]roper exhaustion improves the quality of those
27 prisoner suits that are eventually filed because proper exhaustion often results in the creation of an administrative
28 record that is helpful to the court. When a grievance is filed shortly after the event giving rise to the grievance,
witnesses can be identified and questioned while memories are still fresh, and evidence can be gathered and
preserved.”).

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described in the complaint (*i.e.*, someone else did or is responsible for the action(s) alleged in the complaint).

Finally, any party may also include any information that the party believes would assist in discovery and/or scheduling the case.

IT IS SO ORDERED.

Dated: November 15, 2023

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE