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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RAYMOND PAUL NELSON,

Plaintiff,

No. 2:06-cv-1289 LKK KJN P

vs.

D.L. RUNNELS, et al.,

Defendants.

ORDER

_____ /

The parties have timely filed a joint status report. Plaintiff is represented by attorney Kresta Nora Daly, who was appointed on February 8, 2013. Defendants are represented by Deputy California Attorney General Kelli M. Hammond. The parties have suggested dates for trial and a pre-trial conference, but also request that discovery remain open until October 31, 2013; in addition, plaintiff's counsel states that she and plaintiff have not yet decided whether to file a Third Amended Complaint.

The court notes the age of this case (filed in 2006), and that defendants' motion for summary judgment on plaintiff Second Amended Complaint was denied in its entirety on September 16, 2010. However, should plaintiff file a Third Amended Complaint, the court would entertain further motions for summary judgment. These matters, together with the recent appointment of plaintiff's counsel and the parties' request for further discovery, militate against

1 setting dates at this time for trial and pretrial conference.

2 Accordingly, for good cause shown, IT IS HEREBY ORDERED that:

3 1. The parties may engage in further discovery until August 30, 2013,¹ which shall also
4 be the deadline for expert witness disclosures.


5 2. Plaintiff may, but need not, file and serve a Third Amended Complaint on or before
6 May 31, 2013; if a Third Amended Complaint is filed, defendants shall timely file and serve an
7 answer.

8 3. Should plaintiff file a Third Amended Complaint, any party may, but need not, file
9 and serve a motion for summary judgment on or before November 1, 2013.

10 4. If no party files a motion for summary judgment, the parties shall, on or before
11 November 15, 2013, file a further joint status report that identifies, for the subsequent year, any
12 dates on which any party is unavailable to proceed to trial or attend a pretrial conference.

13 SO ORDERED.

14 DATED: April 12, 2013.

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18 LAWRENCE K. KARLTON
19 SENIOR JUDGE
20 UNITED STATES DISTRICT COURT
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25 _____
26 ¹ At this time, the court finds excessive the parties' request to extend discovery to
October 31, 2013, in light of the prior development of this case.