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UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID B. JOHNSON,

Plaintiff,

VS.

R.J. SUBIA, et al.,

Defendants.

Case No. 2:07-cv-02002-PMP-GWF ORDER Motion to Proceed (#44)

This matter is before the Court on Plaintiff's Motion of Court to Proceed (#44), filed July 6, 2010. The Court finds Plaintiff has shown good cause to issue a discovery schedule in this action. Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion of Court to Proceed (#44) is **granted**. Pursuant to Federal Rules of Civil Procedure 1, 16, and 26-36, discovery shall proceed as follows:

 Discovery requests shall be served by the parties pursuant to Fed.R.Civ.P. 5 and Local Rule 5-135 and shall only be filed when required by Local Rules 30-250(a), 33-250(c), 34-250(c) and 36-250(c);

2. Responses to written discovery requests shall be due forty-five days after the request is first served;

Pursuant to Fed.R.Civ.P. 30(a), Defendants may depose Plaintiff and any other witness confined in a prison upon condition that, at least fourteen days before such a deposition, Defendants serve all parties with the notice required by Fed.R.Civ.P. 30(b)(1); and

| 1 | 4. If disputes arise about the parties' obligations to respond to requests for discovery, |
|--------|-------------------------------------------------------------------------------------------|
| 2 | the parties shall comply with all pertinent rules including Rules 5, 7, 11, 26, and |
| 3 | 37 of the Federal Rules of Civil Procedure and Rules 5-134, 5-135, 6-136, 7-130, |
| 4 | 7-131, 11-110, 43-142, and 78-230(m) of the Local Rules of Practice for the |
| + 5 | United States District Court, Eastern District of California; unless otherwise |
| | |
| 6 | ordered, Local Rule 37-251 shall not apply. Filing of a discovery motion that |
| 7 | does not comply with all applicable rules may result in imposition of sanctions, |
| 8 | including but not limited to denial of the motion. |
| 9 | 5. The parties may conduct discovery until February 20, 2011 . Any motions |
| 10 | necessary to compel discovery shall be filed by that date. All requests for |
| 11 | discovery pursuant to Fed.R.Civ.P. 31, 33, 34 or 36 shall be served not later than |
| 12 | sixty (60) days prior to that date. |
| 13 | 6. All pretrial motions, except motions to compel discovery, shall be filed on or |
| 14 | before February 20, 2011. The Court will not look with favor on requests for |
| 15 | extensions of time. |
| 16 | 7. Pretrial conference and trial dates will be set, as appropriate, following |
| 17 | adjudication of any dispositive motion, or the expiration of time for filing such a |
| 18 | motion. |
| 19 | DATED this 28th day of September, 2010. |
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| 21 | Jeorge Holey Jr. |
| 22 | GEORGE FOLEY, JR. // United States Magistrate Judge |
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