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

MILOS LEUBNER,
Plaintiff, No. 2:08-cv-0853 GEB JFM PS
vs.
COUNTY OF SAN JOAQUIN, et al.,
Defendants. ORDER

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A hearing was held on April 29, 2011 on defendants’ motion to modify the scheduling order and plaintiff’s motion to compel. Plaintiff Milos Leubner appeared in propria persona. Marjorie Manning appeared for defendant Thomas Mazzerra. Dana Suntag appeared for defendant Christopher Holden. Donna Dones appeared in propria persona.

Upon consideration of the motions, discussion of plaintiff and counsel and good cause appearing therefor, THE COURT ORDERS AS FOLLOWS:

1. Plaintiff’s Motion to Compel

On April 21, 2011, plaintiff filed a motion to compel production of documents and a motion for release of juvenile records for photocopying. Plaintiff’s request for release of juvenile records was addressed by an order issued May 2, 2011. Plaintiff’s motion to compel production was procedurally deficient and will be denied without prejudice.

2. Modified Scheduling Order

On March 28, 2011, defendant Christopher Holden filed a motion to modify the December 10, 2010 scheduling order. Also on March 28, 2011, defendant Thomas Mazzerra

1 joined in the motion. Defendants' motions are well taken. The current scheduling order is not
2 well suited to this case. Before a new scheduling order issues, however, the status of Kenneth
3 Egi¹ needs to be resolved. The question of whether or not service was proper and the question of
4 his current residence should be resolved before this case can be reasonably scheduled.

5 Accordingly, this matter will be set for a telephonic hearing at 2:00 p.m. on May 16, 2011.

6 At that hearing, defendants shall be prepared to provide reasonably complete
7 information about the current residence of Mr. Egi and the date of and reasons for his termination
8 from San Joaquin County Child Protective Services employment or, in the alternative, to provide
9 the name, job title, and location of the employee of San Joaquin County who is able to provide
10 this information. In addition, the Office of the County Counsel of San Joaquin (County Counsel)
11 shall take all steps necessary to determine whether County Counsel would represent Mr. Egi in
12 this action in the event that the court determines that service has already been waived on behalf
13 of Mr. Egi or in the event that service is accomplished at a subsequent stage of these proceedings.

14 In accordance with the above, IT IS HEREBY ORDERED that this matter is set
15 for telephonic hearing at 2:00 p.m. on May 16, 2011. All parties shall contact Jonathan
16 Anderson, Courtroom Deputy, in advance of the hearing to provide a telephone number where
17 they will be at the time set for the hearing.

18 DATED: May 5, 2011.

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21 UNITED STATES MAGISTRATE JUDGE

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26 ¹ Mr. Egi is identified as Kenneth Egie in the third amended complaint, and as Kenneth Egi in an exhibit appended thereto.