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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER W. CARDWELL,

Plaintiff,

v.

A. KETTELHAKE, et al.

Defendants.

CASE NO. 2:08-cv-01006-JLR

DISCOVERY AND
SCHEDULING ORDER

Plaintiff Christopher W. Cardwell is a state prisoner proceeding *pro se* and *in forma pauperis*. Defendants A. Kettlehake, Mary Miller, Virginia Unterreiner, G. James, J. Camacho, and Colletti have answered Mr. Cardwell’s amended complaint. (See Answers (Dkt. ## 8, 15, 21 & 27).) Pursuant to Federal Rules of Civil Procedure 1, 16, and 26-36, discovery shall proceed in accordance with paragraphs 1 through 5 of this order. In addition, the court sets a schedule for this litigation in paragraphs 6 through 10.

1 1. Discovery requests shall be served by the parties pursuant to Federal Rule of
2 Civil Procedure 5 and Local Rule of Practice for the United States District Court,
3 Eastern District of California 5-135, and shall only be filed when required by Local
4 Rules 33-250(c), 34-250(c), and 36-250(c).
5

6 2. Responses to written discovery requests shall be due forty-five (45) days after
7 the request is first served.
8

9 3. To ensure that the responding party has forty-five (45) days after the request is
10 first served to respond, discovery requests must be served at least forty-five (45) days
11 before the deadline for completion of all discovery.

12 4. Pursuant to Federal Rule of Civil Procedure 30(a)(2)(B), Defendants may
13 depose Plaintiff and any other witness confined in a prison upon condition that, at least
14 fourteen (14) days before such a deposition , Defendants serve all parties with notice
15 required by Federal Rule of Civil Procedure 30(b)(1).
16

17 5. If disputes arise about the parties' obligations to respond to requests for
18 discovery, the parties shall comply with all pertinent rules including Federal Rules of
19 Civil Procedure 5, 7, 11, 26, and 37 and Local Rules 11-110, 7-130, 7-131, 5-133, 5-
20 135, 6-136, 43-142 and 78-230(m). Unless otherwise ordered, Local Rule 37-251 shall
21 not apply, and the requirement set forth in Federal Rules of Civil Procedure 26 and 27
22 that a party seeking relief from the court certify that he or she has in good faith conferred
23 or attempted to confer with the other party or person in an effort to resolve the dispute
24 prior to seeking court action shall not apply. Voluntary compliance with this provision
25
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1 of Rules 26 and 37 is encouraged, however. A discovery motion that does not comply
2 with all applicable rules will be stricken and may result in imposition of sanctions.

3
4 The court further establishes the following deadlines:

5 6. The deadline for filing motions to dismiss for failure to exhaust the
6 administrative remedies pursuant to the unenumerated portion of Federal Rule of Civil
7 Procedure 12(b) is September 25, 2009.

8 7. The deadline for amending the pleadings is January 22, 2010.

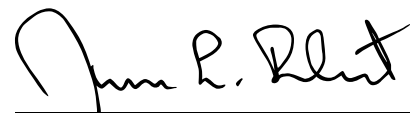
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10 8. The deadline for completion of all discovery, including the filing of motions
11 to compel discovery, shall be March 26, 2010.

12 9. The deadline for filing pre-trial dispositive motions shall be May 28, 2010.¹

13
14 10. The court will set the deadline for pretrial statements, as well as pretrial
15 conference and trial conference dates, as appropriate, following adjudication of any
16 dispositive motions, or the expiration of time for filing such a motion.

17
18 11. A request for an extension of a deadline set in this order must be filed on or
19 before the expiration of the deadline in question, and extensions of time will only be
20 granted on a showing of good cause.

21 Dated this 22nd day of July, 2009

22
23 

24 JAMES L. ROBART
United States District Judge

25 ¹ The pre-trial dispositive motion deadline does not apply to the filing of unenumerated
26 Rule 12(b) motions to dismiss for failure to exhaust. Unenumerated Rule 12(b) motions for
failure to exhaust must be filed on or before the deadline separately set forth in paragraph six of
this order.