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

ROBERT DEARMON,

Plaintiff,

No. CIV S-08-2834 MCE KJM PS

vs.

S. IWANICK, et al.,

ORDER

Defendants.

_____ /

This matter is set for status conference on November 4, 2009. Plaintiff has advised the court that he has been incarcerated. The status conference will therefore be submitted on the papers.

Service of process has not yet been completed on defendants Pagsolingam and S. Iwanick. On December 17, 2009, the Marshal filed a process receipt and return indicating that defendant Iwanick could not be located. Because the complaint alleges that defendants, although from different police departments, acted in concert to inflict bodily injury on plaintiff, the defendant who has appeared in this action will be directed to provide any information available to that defendant regarding the location at which the other defendants can be served.

Accordingly, IT IS HEREBY ORDERED that:

- 1. The November 4, 2009 status conference is vacated.

1 2. No later than November 4, 2009, each party shall file a status conference
2 report addressing the following matters:
3 a. Service of process;
4 b. Possible joinder of additional parties;
5 c. Any expected or desired amendment of the pleadings;
6 d. Jurisdiction and venue;
7 e. Anticipated motions and the scheduling thereof;
8 f. The proposed discovery plan developed pursuant to Federal Rule of Civil
9 Procedure 26(f);
10 g. The potential for settlement and specific recommendations regarding
11 settlement procedures and timing, including whether a settlement conference should be
12 scheduled and if so when, and whether referral to the court's Voluntary Dispute Resolution
13 Program (see Local Rule 16-271) is appropriate in this case;
14 h. Future proceedings, including setting appropriate cutoff dates for discovery
15 and law and motion and the scheduling of a pretrial conference and trial;
16 i. Modification of standard pretrial procedures specified by the rules due to the
17 relative simplicity or complexity of the action or proceedings;
18 j. Whether the case is related to any other case, including matters in
19 bankruptcy;
20 k. Whether the counsel will stipulate to the magistrate judge assigned to this
21 matter acting as settlement judge and waiving any disqualifications by virtue of her so acting, or
22 whether they prefer to have a Settlement Conference before another judge; and
23 l. Any other matters that may add to the just and expeditious disposition of this
24 matter.
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1 3. No later than November 4, 2009, defendant Author Pagsolingan shall provide
2 any information available to him regarding the location at which defendants S. Iwanick and
3 Aries Pagsolingan may be served with summons.

4 4. Plaintiff and counsel are reminded of their continuing duty to notify chambers
5 immediately of any settlement or other disposition (see Local Rule 16-160). In addition, the
6 parties are cautioned that pursuant to Local Rule 78-230(c), opposition to the granting of a
7 motion must be filed fourteen days preceding the noticed hearing date. The Rule further
8 provides that “[n]o party will be entitled to be heard in opposition to a motion at oral arguments
9 if written opposition to the motion has not been timely filed by that party.” Moreover, Local
10 Rule 78-230(j) provides that failure to appear may be deemed withdrawal of opposition to the
11 motion or may result in sanctions. Finally, Local Rule 11-110 provides that failure to comply
12 with the Local Rules “may be grounds for imposition of any and all sanctions authorized by
13 statute or Rule or within the inherent power of the Court.”

14 DATED: October 29, 2009.

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U.S. MAGISTRATE JUDGE