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

LARRY W. KIRK.

Plaintiff,

No. CIV S-10-0373 GEB CKD P

vs.

T. RICHARDS,

Defendant.

SCHEDULING ORDER

_____/

Defendant's motion for summary judgment in this matter has been resolved pursuant to order filed September 30, 2011. Good cause appearing, the court will, by this order, set a further schedule for this litigation.

Discovery is reopened, and the parties may conduct discovery until January 27, 2012. The pretrial motion deadline is reopened, and all pretrial motions, except motions to compel discovery, shall be filed on or before April 27, 2012. Pretrial and jury trial dates will be reset following adjudication of any dispositive motions.

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1 Good cause appearing, IT IS HEREBY ORDERED that:

2 1. Discovery requests shall be served by the party seeking the discovery on all
3 parties to the action.¹ Discovery requests shall not be filed with the court except when required
4 by Local Rules 250.1, 250.2, 250.3 and 250.4.

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

7 3. The parties are cautioned that filing of discovery requests or responses, except
8 as required by rule of court, may result in an order of sanctions, including, but not limited to, a
9 recommendation that the action be dismissed or the answer stricken.

10 4. Pursuant to Federal Rule of Civil Procedure 30(a), defendants may depose
11 plaintiff and any other witness confined in a prison upon condition that, at least fourteen days
12 before such a deposition, defendants serve all parties with the notice required by Fed. R. Civ. P.
13 30(b)(1).

14 5. If disputes arise about the parties' obligations to respond to requests for
15 discovery, the parties shall comply with all pertinent rules including Rules 5, 7, 11, 26, and 37 of
16 the Federal Rules of Civil Procedure and Rules 134, 135, 130, 131, 110, 142, and 230(l) of the
17 Local Rules of Practice for the United States District Court, Eastern District of California; unless
18 otherwise ordered, Local Rule 251 shall not apply. Filing of a discovery motion that does not
19 comply with all applicable rules may result in imposition of sanctions, including but not limited
20 to denial of the motion.

21 6. The parties may conduct discovery until January 27, 2012. Any motions
22 necessary to compel discovery shall be filed by that date. All requests for discovery pursuant to
23 Fed. R. Civ. P. 31, 33, 34 or 36 shall be served not later than sixty days prior to that date.

24
25 ¹ If an attorney has filed a document with the court on behalf of any defendant, then
26 plaintiff must serve documents on that attorney and not on the defendant. See Fed. R. Civ. P.
5(b).

1 7. All pretrial motions, except motions to compel discovery, shall be filed on or
2 before April 27, 2012. Motions shall be briefed in accordance with paragraph 7 of this court's
3 order filed May 12, 2010.

4 8. Pretrial conference and trial dates will be reset, as appropriate, following
5 adjudication of any dispositive motion, or the expiration of time for filing such a motion.

6 9. Plaintiff's May 5, 2011 motion to subpoena witnesses (Dkt. No.35) is denied
7 without prejudice to renewing the motion at a later time. Although the scheduling order issued
8 July 29, 2010 is no longer in effect as to specific dates, plaintiff is advised to review the
9 procedures it outlines for obtaining the attendance of incarcerated witnesses. (Dkt. No. 11 at 2-
10 5.)

11 Dated: October 17, 2011


CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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