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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

TYRONE EDWARD HICKS,  
Plaintiff,  
v.  
CITY OF VALLEJO, et al.,  
Defendants.

No. 2:14-cv-0669 CKD PS (TEMP)

ORDER

This action came before the court on March 9, 2016, for hearing of defendants’ motion for contempt and for an order to compel the deposition of non-party Frederick Cooley, and for hearing of plaintiff’s motion to modify the scheduling order.<sup>1</sup> Attorney Kelly Trujillo appeared on behalf of the defendants, plaintiff Tyrone Hicks appeared on his own behalf and non-party Frederick Cooley also appeared on his own behalf.

As explained at the March 9, 2016 hearing, the court finds that Frederick Cooley has not engaged in conduct for which he should be sanctioned. Moreover, based on a review of the parties’ filings and the arguments presented at the March 9, 2016 hearing, including Mr. Cooley’s statements to the court<sup>2</sup>, it does not appear that Mr. Cooley has any information that is relevant to

<sup>1</sup> The parties have consented to Magistrate Judge jurisdiction over this action pursuant to 28 U.S.C. § 636(c)(1). (Dkt. No. 25.)

<sup>2</sup> Mr. Cooley’s statements, made in open court and on the record, included representations to the

1 any party's claim or defense.<sup>3</sup> Accordingly, defendants' motion for contempt and to compel will  
2 be denied.

3 With respect to plaintiff's motion to modify the scheduling order by extending the  
4 discovery deadline 120 days, defendants' do not oppose a 30-day extension of that deadline,  
5 provided the extension is limited to the defendants' February 19, 2016 production.<sup>4</sup> (Dkt. No. 65  
6 at 2.) The court finds that a 30-day extension of the discovery period, limited to the defendants'  
7 February 19, 2016 production, is reasonable and will modify the scheduling order accordingly.

8 Therefore, upon consideration of the arguments on file and those made at the hearing, and  
9 for the reasons set forth on the record at the hearing, IT IS HEREBY ORDERED that:

10 1. Defendants' March 7, 2016 motion for an order of contempt and to compel (Dkt. No.  
11 64) is denied;

12 2. Plaintiff's March 4, 2016 motion to modify the scheduling order (Dkt. No. 60) is  
13 granted in part and denied in part;

14 3. Discovery related to defendants' February 19, 2016 production shall be completed by  
15 **April 27, 2016.**<sup>5</sup>

16 3. All pretrial motions, except motions to compel discovery, shall be completed by **June**  
17 **15, 2016.**

18 4. A Final pretrial conference is set for **August 31, 2016 at 11:00 a.m.** in courtroom no.  
19 24 before the undersigned.

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21 court that he was not a witness to the incident at issue, did not have information about plaintiff's  
22 claims and would not be offering testimony in this action. Accordingly, Mr. Cooley will not be  
permitted to testify in this action.

23 <sup>3</sup> Federal Rule of Civil Procedure 26 provides that a party may obtain discovery 'regarding any  
24 nonprivileged matter that is relevant to any party's claim or defense and proportional to the needs  
25 of the case[.]' Fed. R. Civ. P. 26(b)(1).


26 <sup>4</sup> Although plaintiff's filing refers to a February 24, 2016 production, the court assumes the  
27 parties are referring to the discovery the court ordered produced in the January 22, 2016 order  
granting plaintiff's motion to compel. (Dkt. No. 44.)

28 <sup>5</sup> All other discovery shall be completed by **March 25, 2016.**

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5. This matter is set for a jury trial not to exceed five court days on **October 31, 2016 at 9:00 a.m.** in courtroom no. 24 before the undersigned.

Dated: March 10, 2016

  
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CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE