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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MERCEDES PADILLA,  
  
Plaintiff,  
  
v.  
  
CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND  
REHABILITATION, et al.,  
  
Defendants.

No. 2:15-cv-2509 JAM CKD PS

ORDER

By minute order filed February 8, 2017, this matter was referred to the undersigned under Local Rule 302(c)(21). Upon review of the docket and good cause appearing, THE COURT FINDS AS FOLLOWS:

The court has been advised that plaintiff’s former counsel is deceased.<sup>1</sup> It appears that plaintiff’s failure to appear for her deposition was due, at least in part, to the incapacity of her counsel. Defendants’ motion for terminating sanctions (ECF No. 32) will therefore be denied without prejudice. Plaintiff will be directed to appear for a re-noticed deposition.

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<sup>1</sup> Prior to the death of plaintiff’s counsel, defendants’ motion for judgment on the pleadings was fully briefed. Because oral argument is not of material assistance, that matter will be submitted on the briefs. E.D. Cal. L.R. 230(g).

1 The parties have requested referral to the court's Voluntary Dispute Resolution Program  
2 ("VDRP"). Because plaintiff is now proceeding pro se, the court finds that referral to VDRP is  
3 inappropriate. See Local Rule 271(a)(2). However, the court will set a settlement conference  
4 before a Magistrate Judge.

5 By minute order filed February 9, 2017, all scheduled dates in this matter have been  
6 vacated. The court at this time will not further schedule this matter pending completion of  
7 plaintiff's deposition and the settlement conference.

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. The motion for judgment on the pleadings (ECF No. 23) is submitted on the briefs.
- 10 2. Defendants' motion for sanctions (ECF No. 32) is denied without prejudice. Plaintiff  
11 is directed to submit to a deposition at a place and time to be noticed by defendants.
- 12 3. This matter is set for settlement conference before the Honorable Kendall J. Newman  
13 on March 20, 2017 at 9:00 a.m. in courtroom no. 25.

14 Dated: February 15, 2017

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17 CAROLYN K. DELANEY  
18 UNITED STATES MAGISTRATE JUDGE

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