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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WILLIE JOHNSON,
Petitioner,
v.
RON DAVIS, Warden, San Quentin State
Prison,
Respondent.

Case No. 98-cv-4043-SI

DEATH PENALTY CASE

**ORDER SETTING EVIDENTIARY
HEARING**

On April 27, 2017, the Court held a case-management conference in the above-captioned capital habeas action. The Court set the following schedule:

1. The evidentiary hearing granted in the Court’s June 15, 2016 Order is now set to commence on January 8, 2018.
2. The pre-hearing conference is set for Thursday, November 30, 2017 at 3:00 p.m.
3. Pre-hearing filings, such as a) the lodging of deposition transcripts and declarations, b) the filing of objections to documentary evidence, c) the filing of a proposed statement of undisputed facts and identification of those facts upon which the parties cannot agree, d) the exchanging and lodging of exhibit lists, and e) the filing of a final witness list, will be due on or around November 16, 2017, but in no circumstances should be submitted later than November 29.
4. As soon as is practicable, the parties will meet and confer regarding Petitioner’s potential assertion in his deposition of his Fifth Amendment right against self-incrimination and any waiver by Petitioner of his attorney-client privilege through the assertion of ineffective assistance of counsel related to claim I. If the parties reach agreement, they shall submit a proposed Order. If they are unable to reach agreement,

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Respondent shall file a motion prior to the June deposition of Petitioner. In the event Respondent files a motion, Petitioner shall submit an opposition as soon as possible, and the motion will be decided on the papers.

5. The Court will set a schedule for post-hearing briefs following the conclusion of the evidentiary hearing.

Additionally, Respondent shall file a letter notifying the Court of the finalized deposition schedule.

IT IS SO ORDERED.

Dated: May 1, 2017



SUSAN ILLSTON
United States District Judge