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4 UNITED STATES DISTRICT COURT  
5 NORTHERN DISTRICT OF CALIFORNIA  
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7 DEWEY TERRY,  
8 Plaintiff,

9 v.

10 BRAD SMITH, et al.,  
11 Defendants.

Case No. [13-cv-01227-EMC](#)

**SCHEDULING ORDER**

12  
13 A telephonic case management conference was held in this action on January 14, 2016.  
14 This order confirms – and supersedes, if different from – the deadlines set at the case management  
15 conference.

16 1. Defendants must file an answer to Plaintiff’s amended complaint no later than  
17 **thirty days** from the date of this order.

18 2. A brief period will be provided for the parties to conclude their discovery.

19 a. Any written discovery requests must be served no later than **February 19,**  
20 **2016.** The parties are reminded that discovery requests are *not* to be filed with the court when  
21 they are served on the opposing parties. *See* Fed. R. Civ. P. 5(d)(1).

22 b. Any motion to compel must be filed and served no later than **March 31,**  
23 **2016.** If a motion to compel is filed, the opposition must be filed and served no later than  
24 **fourteen days** after the motion is filed, and the reply must be filed and served no later than **seven**  
25 **days** after the opposition is filed. The parties are cautioned that the court will not entertain any  
26 motion to compel unless the parties have made a good faith effort to meet and confer to resolve  
27 their discovery disputes before the motion is filed. Due to Plaintiff’s imprisonment, the parties  
28 may meet-and-confer by telephone or by letter, rather than in-person.

1 c. All discovery, including depositions, must be completed by **April 15, 2015**.

2 d. The Clerk will mail to Plaintiff two blank document subpoenas for  
3 Plaintiff's use. If Plaintiff wants to subpoena records from a nonparty, he must promptly fill out  
4 the subpoena and return it to the Clerk with a request that it be entered and served. Plaintiff may  
5 obtain documents from parties by requesting production of documents, *see* Fed. R. Civ. P. 34.

6 3. Defendants have indicated an intent to file a motion for summary judgment.

7 a. Defendants must file and serve their motion for summary judgment no later  
8 than **May 7, 2016**. Plaintiff must file and serve his opposition to the motion for summary  
9 judgment no later than **June 2, 2016**. Defendants must file and serve their reply brief, if any, no  
10 later than **June 16, 2016**.

11 b. Defendants must provide a new *Rand* notice to Plaintiff at the time they file  
12 their motion for summary judgment. Plaintiff also is encouraged to read the information about  
13 summary judgment motions provided in the order of service. It may be that two motions for  
14 summary judgment are filed, due to Defendants being represented by two different attorneys. If  
15 separate motions are filed, Plaintiff should file separate oppositions, so that it is clearer which  
16 argument applies to which motion. If a defense motion for summary judgment cites fifteen or  
17 more cases, Defendants must mail to Plaintiff a copy of every case cited in that motion at the time  
18 they serve the motion on Plaintiff.

19 4. The Court did not set a trial date at the case management conference. If a trial is  
20 necessary, the Court will set one at a later date, possibly in November or December.

21 5. Plaintiff indicated that he thought there was a pending request for default against  
22 Defendant Young. He erred. Plaintiff made a request for entry of default (Docket # 37), and the  
23 Clerk declined to enter default on October 28, 2014 (Docket # 38).

24 **IT IS SO ORDERED.**

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26 Dated: January 15, 2016

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EDWARD M. CHEN  
United States District Judge