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 13 Spearman, and Chamberlain*

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 15 IN THE UNITED STATES DISTRICT COURT
 16 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 17 OAKLAND DIVISION

19 **DWAIN WILLIAMS, BY AND THROUGH HIS**
 20 **GUARDIAN AD LITEM, SHARYN WILLIAMS,**

21 Plaintiff,

22 v.

23 **STATE OF CALIFORNIA, et al.,**

24 Defendants.

17-cv-02511-HSG

**ORDER AND STIPULATION
 CONCERNING THE LIMITED
 EVIDENTIARY HEARING**

Time: 1:00 p.m.
 Dept: Courtroom 2, 4th Fl.
 Judge: The Honorable Haywood S.
 Gilliam, Jr.
 Trial Date: n/a
 Action Filed: 5/8/2017

1 **BACKGROUND**

2 This matter is still in the pleading stages and formal discovery has not begun. The Court
3 has set a limited evidentiary hearing to address Defendants’ motion for summary judgment
4 “regarding whether Plaintiff exhausted his administrative remedies under the Prison Litigation
5 Reform Act. See Dkt. No. 8 (pending motion for summary judgment); cf *Albino v. Baca*, 747
6 F.3d 1162, 1168 (9th Cir. 2014) (permitting limited preliminary proceeding to “decide disputed
7 questions of fact”).” (Ct. Order, ECF No. 19.)

8 The hearing is to be “limited to whether Plaintiff filed any inmate appeals with the Soledad
9 Correctional Training Facility after January 6, 2016, the date of his alleged incapacity. See Dkt.
10 No. 10 at 5; Dkt. No. 1-1 ¶¶ 11, 17-18, 30. This includes the two inmate appeals, dated August
11 26, 2016, and September 16, 2016, that Defendants filed as Exhibit B to their reply brief in
12 support of the pending motion. See Dkt. No. 13-2, Ex. B.” (*Id.*)

13 “To guide this limited inquiry, Defendants should prepare the following witnesses: (1) the
14 custodian of records for the Soledad Correctional Training Facility who can authenticate and
15 testify about the processing of the two above-referenced inmate appeals; (2) all individuals who
16 assisted Plaintiff in filing the above-referenced inmate appeals; and (3) someone who can
17 describe the process by which a third-party outside the Soledad Correctional Training Facility can
18 assist inmates in preparing and filing an inmate appeal, as permitted by Title 15 of the California
19 Code of Regulations, § 3084.2.” (*Id.*)

20 The Court initially set a September 20, 2017 evidentiary hearing. (*Id.*) Plaintiff’s Counsel,
21 however, advised the Court of his conflicts with the September 20, 2017 hearing date during a
22 telephone case management conference on August 25, 2017. (See ECF No. 27.) The Court
23 ordered the parties to meet and confer concerning this matter and to submit a proposed schedule.
24 The parties have conferred and submit the following stipulation to the Court.

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STIPULATION

October 6, 2017	Disclosure of Potential Witnesses and Exhibits
October 27, 2017	Limited Evidentiary Hearing 1:00 p.m., Courtroom 2, 4 th Fl. 1301 Clay Street, Oakland, CA 94612

IT IS SO STIPULATED.

Dated: _____

By: _____
KHOA D. LE
Attorney for Plaintiff Dwain Williams

Dated: _____

By: _____
TRACE O. MAIORINO
Deputy Attorney General
*Attorneys for State of California, California
Department of Corrections and
Rehabilitation, Correctional Training
Facility, Spearman, and Chamberlain*

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ORDER

In light of the stipulation between the parties, the Court vacates its order setting a September 20, 2017 limited evidentiary hearing and orders the following schedule:

October 6, 2017	Disclosure of Potential Witnesses and Exhibits
October 27, 2017	Limited Evidentiary Hearing 1:00 p.m., Courtroom 2, 4 th Fl. 1301 Clay Street, Oakland, CA 94612

IT IS SO ORDERED.

Dated: September 12, 2017


HONORABLE HAYWOOD S. GILLIAM, JR.
United States District Judge