

United States District Court
For the Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

RONALD METCALFE,)
)
 Plaintiff,)
)
 v.)
)
 CALIFORNIA DEPARTMENT OF)
 CORRECTIONS & REHABILITATION;)
 SALINAS VALLEY STATE PRISON (“SVSP”))
 WARDEN A. HEDGPETH; FORMER SVSP)
 WARDEN M. EVANS; FORMER SVSP CHIEF))
 DEPUTY WARDEN G. NEOTTI; FORMER)
 SVSP CHIEF DEPUTY WARDEN G. LEWIS;)
 CORRECTIONAL TRAINING FACILITY)
 (“CTF”) WARDEN R. GROUNDS; FORMER)
 CTF WARDEN(A) C. NOLL; and DOES 1)
 THROUGH 50 INCLUSIVE,)
)
 Defendants.)

Case No.: 5:12-CV-1445-LHK

ORDER CONTINUING CASE
MANAGEMENT CONFERENCE

The parties have submitted a Joint Case Management Conference Statement (“Statement”). ECF No. 22. In the Statement, the parties state that the factual issues raised in Plaintiff Ronald Metcalfe’s Complaint are “extraordinarily complex, both factually and legally....” *Id.* Plaintiffs further state that they have not had an opportunity to exchange their initial disclosures and do not anticipate being able to exchange their initial disclosures in advance of the October 31, 2012 Case Management Conference. *Id.* The parties also state that they believe it would be “productive to discuss with their principles... whether or not a form of ADR might be productive....” *Id.* The parties request that they be provided with an additional 60-90 days to allow them “to come to an

1 agreement regarding ADR, early discovery efforts, timing of initial disclosures, and to come up
2 with a discovery plan, so that they [may] submit a more informed CMC statement to [the] Court.”

3 *Id.*

4 While the Court recognizes that the Case Management Conference was scheduled on short
5 notice, a 60 to 90 day extension would unnecessarily postpone the initial Case Management
6 Conference. This case was filed in March 2012. Defendants filed their answers in mid-August and
7 early September 2012. Moreover, as to the parties’ statement that they are working to reach
8 agreement on the timing of initial disclosures, Federal Rule of Civil Procedure 26 governs the
9 timing of initial disclosures, and the Court disfavors deviation from the Federal Rules.

10 Nonetheless, based on the shortness of the notice of the Case Management Conference, the Court
11 believes some extension is appropriate. Accordingly, the Case Management Conference is hereby
12 CONTINUED from October 31, 2012 to November 20, 2012 at 1:30 p.m. The parties’ Case
13 Management Conference Statement is due November 13, 2012.

14
15 **IT IS SO ORDERED.**

16
17 Dated: October 25, 2012



18 LUCY H. KOH
19 United States District Judge