UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

ADIL K HIRAMANEK, et al.,

Plaintiffs,

v.

L MICHAEL CLARK, et al.,

Defendants.

Case No. 5:13-cv-00228-RMW

ORDER FOLLOWING CASE MANAGEMENT CONFERENCE

Following the case management conference held on March 13, 2015, the Court received an email from plaintiffs requesting further clarification on issues raised at the case management conference. See Exhibit 1 to this Order. This order addresses those issues:

The Court set the following dates, which were agreed to by the parties:

Scheduled Event	**Date**
Parties Complete Initial Disclosures	May 15, 2015
Fact Discovery Cutoff	October 31, 2015
Disclosure of Experts	October 31, 2015
Expert Discovery Cutoff	December 15, 2015
Last Day to Hear Dispositive Motions	February 5, 2016 at 9:00 a.m.
Joint Pretrial Statement	February 26, 2016

Last Day for Settlement Conference before Judge Grewal	March 3, 2016
Pretrial Conference	March 3, 2016 at 2:00 p.m.
Jury Trial	March 14, 2016 at 1:30 p.m.

The Court set the following discovery limits:

- Depositions: 10 per side
- Interrogatories: 25 per party
- Requests for Admissions: 10 per party
- Document Requests: no numerical limit, but all requests must be narrowly tailored

The Court referred the parties to Magistrate Judge Grewal for any discovery disputes. A party requesting to amend the discovery limits may bring a noticed motion.

For purposes of discovery, only the following claims are at issue in the case:

- **Claim II-A:** ADA and Rehabilitation Act claim against the Superior Court of California, County of Santa Clara. This claim is brought by both plaintiffs. See Dkt. Nos. 163 at 1, 75 at 21, 98 at 11. Plaintiffs are seeking both damages and prospective injunctive relief. Dkt. No. 98 at 11. The availability of damages may depend in part on issues of quasi-judicial immunity. Id.
- **Claim 10:** Section 1983 claim against Polumbo and Plett in their individual capacities, based on alleged violation of Adil's Fourth Amendment rights, including "unreasonable and invasive bodily search, search of his property, seizure of his property, including mobile phone, deleting information/writing" and "unreasonabl[e] [detention] for unreasonably long periods of time." Dkt. No. 94-1 at ¶¶ 108-110, 116-119, Revised Second Amended Complaint (RSAC). This claim is brought by Adil only.
- **Claim 17:** Section 1983 claim against McChristian and Plett in their individual capacities, based on alleged violations of Adil's Fourth and Fifth Amendment rights, when McChristian and Plett allegedly detained, interrogated, and confined Adil at the Santa Clara County Superior Courthouse. RSAC at ¶¶ 183, 188, 195,

201-203. This claim is brought by Adil only.

- **Claim 35:** Section 1983 claim against defendant Beth Miller in her individual capacity, for violation of equal protection, based on denial of access to the restroom. This claim is brought by both plaintiffs and seeks damages and attorney's fees. See Dkt. No. 153.
- **Claim 44:** Section 1983 claim against McChristian and Plett in their individual capacities, based on alleged violations of Adil's Fourth and Fifth Amendment rights, when McChristian and Plett allegedly used excessive force against Adil when arresting him. RSAC at ¶¶ 1070-1072. This claim is brought by Adil only.

Both parties should preserve evidence related to other claims that Judge Chen previously ordered be maintained.

Plaintiff Adil Hiramanek raised numerous potential motions. The Court acknowledged that plaintiffs may file noticed motions on issues they believe have merit. However, plaintiffs should not bring motions that raise issues that were previously decided. For example, plaintiffs sought permission to bring a motion under Rule 54(b). Plaintiffs have already filed one such motion, Dkt. No. 129, which was denied, Dkt. No. 166. Plaintiff Adil raised the possibility of a "Mitchum v Foster" motion, a motion to bifurcate issues, and a motion to add Burgess as a defendant. Should plaintiffs file a motion to add Burgess as a defendant, the motion must set forth the specific facts to be asserted against Burgess.

Finally, plaintiff requested that the proceedings be recorded. As noted in the case management order, the proceedings were reported by the court reporter. Dkt. No. 200. Plaintiff may order a transcript of the proceedings.

IT IS SO ORDERED.

Dated: March 16, 2015

Ronald M. Whyte
United States District Judge

Exhibit 1

----- Forwarded by Jackie Garcia/CAND/09/USCOURTS on 03/16/2015 09:20 AM -----

From: H <hiramane2@yahoo.com>
To: "Jackie_Garcia@cand.uscourts.gov" <jackie_garcia@cand.uscourts.gov>
Date: 03/15/2015 08:01 AM
Subject: 13-0228

Hi Ms. Garcia,

The minute order [Docket #200] of the last Friday's [3/13/15] CMC, presumably prepared by you, is incomplete.

Along with Burgess matter, I raised the following issues:

1. Claims dismissed at district court level but which may not be addressed 4-5 years from the date of claims due to length of case time and Plaintiff Roda's 85 year age. I suggested, and the Judge agreed, that I could file a motion now to certify those issues/claims for appeal

2. I raised Defendants conflict of interest and sabotaging of the federal case, and proposed a "Mitchum v. Foster" motion, which the Judge said I could file the motion for his consideration

3. I raised bifurcation of issues, which the Judge agreed upon, but stated that he will consider it on motion, or down the road. I gave the example of there would be no need for counsel Mark Bernal to be present in a deposition or trial on ADA issues, which are being defended, now by counsel Tara Clancy

4. I objected to the small quota/limits on depositions, interrogatories and requests for admission. The Judge stated that these are initial limits, and if the need arises, a party may request for the limits to be relaxed

5. I asked that for the benefit of absent Plaintiff Roda, and even due to her poor language skills if the court proceedings could be recorded, so that the proceedings could be played back at a speed and repeated for her to understand at her 85 years of age, with hearing and language impairment. I believe the Judge was amenable to it.

6. The judge also said that the previous court orders on point, except lifting of stay on discovery, remain in place. This included Judge Chen's prior court orders on preserving discovery on claims dismissed that may come back to the district court after appeal.

Please incorporate the above events of the CMC in the minute order, and revised Docket #200

Thank you

Sincerely,
Adil Hiramanek
