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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
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11 Gary DICKEY,

12 Plaintiff,

13 v.

14 Gilbert MENDOZA, et al.,

15 Defendants.  
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Case No.: 17-cv-0206-WQH-AGS

**ORDER REQUIRING JOINT  
DISCOVERY PLAN**

17 The parties are ordered to provide a Joint Discovery Plan by **March 16, 2018**. The  
18 Joint Discovery Plan must be filed on the CM/ECF system as well as lodged with  
19 Magistrate Judge Schopler by emailing the Plan to efile\_schopler@casd.uscourts.gov. If  
20 the Plan with its attachments exceeds 20 pages, a courtesy paper copy of the Plan must be  
21 delivered to Judge Schopler’s Chambers. Because the parties addressed the issue of failure  
22 to exhaust, the Plan should offer a brief schedule to adjudicate that issue before moving on  
23 to general discovery. *See Albino v. Baca*, 747 F.3d 1162, 1170 (9th Cir. 2014) (“Exhaustion  
24 should be decided, if feasible, before reaching the merits of a prisoner’s claim.”). The Plan  
25 must identify whether and what good cause exists to modify the Court’s **tentative** schedule  
26 of deadlines and limitations, which is as follows:  
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<b>Event</b>	<b>Deadline</b>
Defense Counsel Receiving and Serving All Grievances on File at the Institution	March 23, 2018
Plaintiff's Deposition, not limited solely to issues of exhaustion	By April 6, 2018
Any Motions Concerning Exhaustion or Requests for <i>Albino</i> Hearing	April 20, 2018
Motions to Amend	May 4, 2018
Expert Witness Designations and Disclosures	July 9, 2018
Rebuttal Expert Witness Designations and Disclosures	August 10, 2018
Expert Discovery Completion	September 7, 2018
Fact Discovery Completion	September 7, 2018
MSC Briefs	September 14, 2018
Mandatory Settlement Conference	September 21, 2018, at 2:00 p.m.
Pretrial Motions	October 8, 2018
Rule 26(a)(3) Disclosures	January 11, 2019
Meet and Confer on the PTO	January 18, 2019
Draft PTO to Defense Counsel	January 25, 2019
Lodge PTO	February 1, 2019
Final Pretrial Conference	February 8, 2019, at 11:00 a.m.
<b>Discovery Type</b>	<b>Restriction</b>
Depositions	No more than 4
Requests for Admission	No more than 15
Interrogatories	No more than 15
Requests to Produce Documents	No more than 15

1 Defense counsel is responsible for contacting plaintiff to prepare the joint discovery plan  
2 and, should plaintiff be incarcerated at the relevant time, for ensuring plaintiff's  
3 participation in any telephonic or in-person hearings.

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5 Dated: February 13, 2018

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8 Hon. Andrew G. Schopler  
9 United States Magistrate Judge  
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