

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10 Lance MURSCHEL,

11 Plaintiff,

12 v.

13 Daniel PARAMO, et al.,

14 Defendants.

Case No.: 17-cv-1142-BTM-AGS

**ORDER REQUIRING JOINT
DISCOVERY PLAN**

15
16 By **November 17, 2020**, the parties must provide the Court with a Joint Discovery
17 Plan. The JDP must be filed on the CM/ECF system and lodged with Magistrate Judge
18 Schopler by emailing it to efile_Schopler@casd.uscourts.gov. Because defendants raised
19 the issue of failure to exhaust, the Plan should offer a brief schedule to adjudicate that issue
20 before moving on to general discovery. *See Albino v. Baca*, 747 F.3d 1162, 1170 (9th Cir.
21 2014) (“Exhaustion should be decided, if feasible, before reaching the merits of a prisoner’s
22 claim.”). The JDP must identify if good cause exists to modify the Court’s tentative
23 schedule of deadlines, which is as follows:
24
25
26
27
28

Event	Deadline
Defense Counsel Receiving and Serving All Grievances on File at the Institution	December 8, 2020
Plaintiff's Deposition, not limited solely to issues of exhaustion	By January 15, 2021
Any Motions Concerning Exhaustion or Requests for <i>Albino</i> Hearing	January 29, 2021
Motions to Amend	February 16, 2021
Expert Witness Designations and Disclosures	April 30, 2021
Rebuttal Expert Witness Designations and Disclosures	May 28, 2021
Expert Discovery Completion	June 25, 2021
Fact Discovery Completion	June 25, 2021
MSC Briefs	July 2, 2021
Mandatory Settlement Conference	July 9, 2021, at 9:00 a.m.
Pretrial Motions	July 26, 2021
Rule 26(a)(3) Disclosures	October 1, 2021
Meet and Confer on the PTO	October 8, 2021
Draft PTO to Defense Counsel	October 15, 2021
Lodge PTO	October 22, 2021
Final Pretrial Conference	October 29, 2021, at 11:00 a.m.
Discovery Type	Restriction
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.

4
5 Dated: October 20, 2020

6 
7 Hon. Andrew G. Schopler
8 United States Magistrate Judge
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28