

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Haynes v. Contreas

Case No. 1:22-cv-00536-JLT-EPG (PC) · No. 1:22-cv-00536-JLT-EPG (PC) · Decided March 3, 2023

SUMMARY

The United States District Court for the Eastern District of California ordered the parties to file statements addressing scheduling and discovery matters within thirty days of service. The order requires defendants to address exhaustion, potential third-party subpoenas, investigation materials, recordings or photographs, and whether the named defendants are properly identified.

OPINION

1 2 3 4 5 6 UNITED STATES DISTRICT COURT 7 EASTERN DISTRICT OF CALIFORNIA 8
9 RAYSHAWN HAYNES, Case No. 1:22-cv-00536-JLT-EPG (PC) 10 Plaintiff, ORDER
REQUIRING STATEMENTS FROM PARTIES REGARDING 11 SCHEDULE AND
DISCOVERY 12 v. THIRTY (30) DAY DEADLINE 13 14 F. CONTREAS, et al., 15
Defendant(s). 16 17 The Court has screened Plaintiff’s complaint and has ordered the case to
proceed.

Before 18 scheduling this case, the Court will require each party to submit a statement regarding
the 19 schedule and discovery matters.1 20 The statements regarding the schedule and discovery
shall be filed within thirty days from 21 the date of service of this order. They should be filed with
the Court, titled “SCHEDULING 22 AND DISCOVERY STATEMENT,” and include the name of
the party filing the statement.

23 They shall address all of the following issues: 24 i. A brief summary of the parties’ claims
and/or defenses. 25 1 On October 7, 2022, the Court issued an order regarding early settlement
conference. (ECF No. 17).

In the order, the Court gave defense counsel forty-five days to “either: (1) file a notice stating that
Defendant(s) opt out 26 of the settlement conference; or (2) contact ADR Coordinator Sujean Park
(spark@caed.uscourts.gov) to schedule the settlement conference.” (Id. at 2).

The deadline was extended to February 20, 2023, at Defendants’ request (ECF 27 No. 20), but
Defendants have not complied with this order. The Court construes Defendants’ failure to respond
as opting out of the settlement conference.

The Court also warns Defendants that failure to comply with court orders 28 may result in the
imposition of sanctions. 1 ii. The name and, if known, the address and telephone number of each

witness, 2 besides expert witnesses, the party may call at trial. 3 iii. A description by category and location of all documents the party may use at 4 trial. 5 iv. Whether any third parties, other than Plaintiff's institution of confinement, are 6 likely to have relevant documents.

7 v. Whether the party intends to use expert witnesses. 8 vi. If a settlement conference has not occurred, when the party will be prepared to 9 participate in a settlement conference. 10 Defendant(s)' Scheduling and Discovery Statement shall also address all of the following 11 issues: 12 vii. Whether a third party subpoena directed at Plaintiff's institution of 13 confinement will be necessary to obtain relevant documents.

14 viii. Whether Defendant(s) intend to challenge the issue of exhaustion and, if so, 15 when Defendant(s) will be ready to file a motion for summary judgment 16 regarding the issue of exhaustion. 17 ix. Whether witness statements and/or evidence were generated from 18 investigation(s) related to the event(s) at issue in the complaint, such as an 19 investigation stemming from the processing of Plaintiff's grievance(s). 20 x. Whether there are any video recordings or photographs related to the 21 incident(s) at issue in the complaint, including video recordings and 22 photographs of Plaintiff taken following the incident(s).

23 xi. Whether Defendant(s) intend to argue that Defendant(s) are not properly 24 named because they are not the individual(s) responsible for the action(s) 25 26 2 See *Woodford v. Ngo*, 548 U.S. 81, 94-95 (2006) ("[P]roper exhaustion improves the quality of those prisoner suits that are eventually filed because proper exhaustion often results in the creation of an administrative 27 record that is helpful to the court.

When a grievance is filed shortly after the event giving rise to the grievance, witnesses can be identified and questioned while memories are still fresh, and evidence can be gathered and 28 preserved."). 1 described in the complaint (i.e., someone else did or is responsible for the 2 action(s) alleged in the complaint). 3 Finally, any party may also include any information that the party believes would assist in 4 | discovery and/or scheduling the case.

5 6 IT IS SO ORDERED. 7) Dated: _March 3, 2023 [Je hey 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