

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

Donna Lee Andrews v. Kelly Vang Ly

Andrews v. Ly · No. 1:24-cv-00602-KES-EPG (PC) · Decided August 22, 2025

OPINION

1 2 3 4 5 6 UNITED STATES DISTRICT COURT 7 EASTERN DISTRICT OF CALIFORNIA 8
9 DONNA LEE ANDREWS, Case No. 1:24-cv-00602-KES-EPG (PC) 10 Plaintiff, ORDER
REQUIRING STATEMENTS FROM PARTIES REGARDING 11 SCHEDULE AND
DISCOVERY 12 v. THIRTY (30) DAY DEADLINE 13 14 KELLY VANG LY, 15 Defendant. 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. 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 ii. The name and, if known, the address and telephone number of each
witness, 26 besides expert witnesses, the party may call at trial. 27 iii. A description by category
and location of all documents the party may use at 28 trial. 1 iv. Whether any third parties, other
than Plaintiff’s institution of confinement, are 2 likely to have relevant documents.

3 v. Whether the party intends to use expert witnesses. 4 vi. If a settlement conference has not
occurred, when the party will be prepared to 5 participate in a settlement conference. 6
Defendant’s Scheduling and Discovery Statement shall also address all of the following 7 issues: 8
vii. Whether a third party subpoena directed at Plaintiff’s institution of 9 confinement will be
necessary to obtain relevant documents.

10 viii. Whether Defendant intends to challenge the issue of exhaustion and, if so, 11 when
Defendant will be ready to file a motion for summary judgment 12 regarding the issue of
exhaustion. 13 ix. Whether witness statements and/or evidence were generated from 14
investigation(s) related to the event(s) at issue in the complaint, such as an 15 investigation
stemming from the processing of Plaintiff’s grievance(s).1 16 x. Whether there are any video
recordings or photographs related to the 17 incident(s) at issue in the complaint, including video
recordings and 18 photographs of Plaintiff taken following the incident(s).

19 xi. Whether Defendant intends to argue that Defendant is not properly named 20 because they are not the individual(s) responsible for the action(s) described in 21 the complaint (i.e., someone else did or is responsible for the action(s) alleged 22 in the complaint). 23 \\\ 24 \\\ 25 \\\ 26 1 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 Finally, any party may also include any information that the party believes would assist in 2 || discovery and/or scheduling the case. 3 4 IT IS SO ORDERED.

Dated: _ August 22, 2025 [Jee hey 6 UNITED STATES MAGISTRATE JUDGE 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28