

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Vega v. Soto

Vega v. Soto · No. 1:22-cv-00471-JLT-EPG (PC) · Decided March 3, 2023

SUMMARY

The United States District Court for the Eastern District of California orders the parties to submit statements addressing scheduling and discovery matters within 30 days of service. The order specifies information concerning claims and defenses, witnesses, documents, experts, settlement, exhaustion, investigations, recordings, and the proper identification of defendants.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
DECIDED	March 3, 2023
DOCKET	1:22-cv-00471-JLT-EPG (PC)
DISPOSITION	other
PROCEDURAL POSTURE	After screening Plaintiff's prisoner civil-rights complaint and ordering the case to proceed, the court issued a procedural order requiring the parties to provide scheduling and discovery information before the case was scheduled.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

discovery dispute civil procedure prisoners rights section 1983

PRACTICE AREAS

civil procedure prisoner civil rights

QUESTIONS PRESENTED

1. What scheduling and discovery information must the parties provide before the court schedules the case?
2. What additional information must Defendants provide concerning exhaustion, potential third-party subpoenas, investigative evidence, recordings or photographs, and whether the named defendants are proper parties?

KEY QUOTATIONS

“The statements regarding the schedule and discovery shall be filed within thirty days from the date of service of this order.” (at 1)

“They shall address all of the following issues:” (at 1-2)

FACTUAL BACKGROUND

The action is a prisoner civil-rights case that had passed the court's initial screening. The case did not settle at a March 2, 2023 settlement conference, and the court sought information concerning claims, defenses, witnesses, documents, experts, exhaustion, investigations, recordings, photographs, and proper identification of defendants before scheduling the case.

PROCEDURAL HISTORY

The court screened Plaintiff's complaint and ordered the action to proceed. A settlement conference held on March 2, 2023, did not resolve the case. The court then ordered each party to file a scheduling and discovery statement within thirty days of service.

DISPOSITION

other

CASES CITED

- Woodford v. Ngo, 548 U.S. 81, 94-95 (2006)

OPINION

1 2 3 4 5 6 UNITED STATES DISTRICT COURT 7 EASTERN DISTRICT OF CALIFORNIA 8
9 FRANCISCO VEGA, JR., Case No. 1:22-cv-00471-JLT-EPG (PC) 10 Plaintiff, ORDER
REQUIRING STATEMENTS FROM PARTIES REGARDING 11 SCHEDULE AND
DISCOVERY 12 v. THIRTY (30) DAY DEADLINE 13 14 M. SOTO, et al., 15 Defendants. 16 17
The Court has screened Plaintiff's complaint and has ordered the case to proceed.

18 Moreover, this case failed to resolve at a settlement conference conducted on March 2, 2023.
19 (ECF No. 33). Before scheduling this case, the Court will require each party to submit a
statement 20 regarding the schedule and discovery matters. 21 The statements regarding the
schedule and discovery shall be filed within thirty days from 22 the date of service of this order.

They should be filed with the Court, titled “SCHEDULING 23 AND DISCOVERY
STATEMENT,” and include the name of the party filing the statement. 24 They shall address all of
the following issues: 25 i. A brief summary of the parties' claims and/or defenses. 26 ii.

The name and, if known, the address and telephone number of each witness, 27 besides expert witnesses, the party may call at trial. 28 1 iii. A description by category and location of all documents the party may use at 2 trial. 3 iv. Whether any third parties, other than Plaintiff's institution of confinement, are 4 likely to have relevant documents. 5 v. Whether the party intends to use expert witnesses.

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

12 viii. Whether Defendant(s) intend to challenge the issue of exhaustion and, if so, 13 when Defendant(s) will be ready to file a motion for summary judgment 14 regarding the issue of exhaustion. 15 ix. Whether witness statements and/or evidence were generated from 16 investigation(s) related to the event(s) at issue in the complaint, such as an 17 investigation stemming from the processing of Plaintiff's grievance(s).1 18 x. Whether there are any video recordings or photographs related to the 19 incident(s) at issue in the complaint, including video recordings and 20 photographs of Plaintiff taken following the incident(s).

21 xi. Whether Defendant(s) intend to argue that Defendant(s) are not properly 22 named because they are not the individual(s) responsible for the action(s) 23 described in the complaint (i.e., someone else did or is responsible for the 24 action(s) alleged in the complaint). 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.

S| Dated: _ March 3, 2023 [Jee ey 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