

**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

OPINION

(PC) Vega v. Soto

PER CURIAM.

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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

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