

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Jakubowski v. Clendenin

Jakubowski · No. 1:23-CV-00897 JLT EPG (PC) · Decided March 27, 2025

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 required information concerning claims and defenses, witnesses, documents, experts, settlement conferences, exhaustion, investigations, recordings, and defendant identification issues.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	United States Magistrate Judge
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 27, 2025
DOCKET	1:23-CV-00897 JLT EPG (PC)
DISPOSITION	other
PROCEDURAL POSTURE	After screening the prisoner civil-rights complaint and allowing the action to proceed, the court denied defendants' motion to dismiss and issued an order requiring the parties to submit scheduling and discovery statements.
PRECEDENTIAL VALUE	unpublished

TOPICS

- discovery dispute
- civil procedure
- prisoners rights

PRACTICE AREAS

- civil procedure
- prisoner civil rights

QUESTIONS PRESENTED

1. What scheduling and discovery information must the parties provide before the court schedules the prisoner civil-rights action?

KEY QUOTATIONS

“[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 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 preserved.” (at 2 n.1)

FACTUAL BACKGROUND

David Jakubowski brought a prisoner civil-rights action against Stephanie Clendenin and other defendants concerning alleged events described in his complaint. The court's order indicates that the complaint had been screened, the action was proceeding, and defendants' motion to dismiss had been denied. The order references potential discovery concerning exhaustion, institutional records, investigations, witness statements, video recordings, photographs, and the identity of the individuals responsible for the alleged actions.

PROCEDURAL HISTORY

The court screened Plaintiff's complaint and ordered the case to proceed. Defendants' motion to dismiss was denied, and their answer was due under Federal Rule of Civil Procedure 12(a)(4)(A). Before scheduling the case, the court required each party to file a scheduling and discovery statement within thirty days of service of the order.

DISPOSITION

other

CASES CITED

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

OPINION

(PC) Jakubowski v. Clendenin

PER CURIAM.

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6 UNITED STATES DISTRICT COURT

7 EASTERN DISTRICT OF CALIFORNIA

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9 DAVID JAKUBOWSKI, Case No. 1:23-CV-00897 JLT EPG (PC)

10 Plaintiff,

11 v. ORDER REQUIRING STATEMENTS

FROM PARTIES REGARDING

12 SCHEDULE AND DISCOVERY

STEPHANIE CLENEDNIN, et al.,

13 THIRTY (30) DAY DEADLINE

Defendants. 14 15 The Court has screened Plaintiff's complaint (ECF No. 1) and has ordered the case to 16 proceed. (ECF No. 7). Defendants' Motion to Dismiss was denied (ECF Nos. 16, 17), and per 17 Fed. R. Civ. P. 12(a)(4)(A), their Answer is due by April 8, 2025. Before scheduling this case, the Court will require each party to submit a statement regarding the schedule and discovery matters. 18 The statements regarding the schedule and discovery shall be filed within thirty days 19 from the date of service of this order. They should be filed with the Court, titled "SCHEDULING 20 AND DISCOVERY STATEMENT," and include the name of the party filing the statement. 21 They shall address all of the following issues: 22 i. A brief summary of the parties' claims and/or defenses. 23 ii. The name and, if known, the address and telephone number of each witness, 24 besides expert witnesses, the party may call at trial. 25 iii. A description by category and location of all documents the party may use at trial. 26 iv. Whether any third parties, other than Plaintiff's institution of confinement, are 27 likely to have relevant documents. 28 v. Whether the party intends to use expert witnesses. eee NE I I I IRIE IIR II 1 vi. If a settlement conference has not occurred, when the party will be prepared to 2 participate in a settlement conference. 3 Defendant(s)' Scheduling and Discovery Statement shall also address all of the following 4 || issues: 5 vii. | Whether a third-party subpoena directed at Plaintiff's institution of 6 confinement will be necessary to obtain relevant documents. 7 vill. | Whether Defendant(s) intend to challenge the issue of exhaustion and, if so, 3 when Defendant(s) will be ready to file a motion for summary judgment regarding the issue of exhaustion. ° ix. Whether witness statements and/or evidence were generated from '0 investigation(s) related to the event(s) at issue in the complaint, such as an investigation stemming from the processing of Plaintiff's grievance(s).' 12 x. | Whether there are any video recordings or photographs related to the 13 incident(s) at issue in the complaint, including video recordings and 14 photographs of Plaintiff taken following the incident(s). 15 x1. Whether Defendant(s) intend to argue that Defendant(s) are not properly 16 named because they are not the individual(s) responsible for the action(s) 17 described in the complaint (i.e., someone else did or is responsible for the 18 action(s) alleged in the complaint). 19 Finally, any party may also include any information that the party believes would assist in 20 | discovery and/or scheduling the case. 21 IT IS SO ORDERED. 22 23 | Dated: _March 27, 2025 [spe ey

UNITED STATES MAGISTRATE JUDGE

25 26 ' 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.").