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9 Attorneys for Plaintiff MICHAEL ROBERTS

10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
12 **LOS ANGELES BRANCH COURTHOUSE - SPRING STREET**

13 MICHAEL ROBERTS,

14 Plaintiff

15 vs.

16 MARK MATSUDA, in his official
17 capacity as Chief of the City of
18 Torrance Police Department JOHN J.
19 NEU; DOUGLAS HATH; JOEY
20 WATANABE, CITY OF
21 TORRANCE POLICE
22 DEPARTMENT; and DOES 1-50,

23 Defendants.

) CASE NO. CV14-03723 R(MANx)

) **JOINT REPORT OF EARLY**
) **MEETING**

) **[FRCP RULE 26(b); CD-LR 26-1]**

) Hon. Judge Manuel L. Real, Ctroom 8

24 Pursuant to Federal Rule of Civil Procedure 26(f), Central District Local Rule
25 26-1, and this Court’s Standing Order the parties to this action, Plaintiff Michael
26 Roberts, and Defendants Mark Matsuda, John J. Neu, Douglas Hath, Joey
27 Watanabe, and the City of Torrance hereby submit this Joint Report of Early
28 Meeting.

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1 **I. RULE 26(f) DISCOVERY PLAN**

2 In accordance with the requirements of Federal Rule of Civil Procedure
3 26(f)(1)-(4), the parties submit the following:

4 **A. Proposed Changes to Rules 26(a)(1) Disclosures**

5 The Parties agree that no changes should be made to the form or
6 requirement for disclosures under Rule 26(a)(1), except the deadlines
7 should be extended, and such disclosures will be made on or before
8 September 26, 2014.

9 **B. Discovery**

10 The parties propose the following with regard to discovery:

11 **1. Scope and Subjects of Discovery**

- 12 a. Plaintiff's Subjects on Which Discovery May Be Needed.
13 Without prejudice to his rights to seek discovery on any
14 relevant issues, Plaintiff contemplates that he will need and
15 seek discovery concerning: all evidentiary support from
16 Defendants and any relevant non-party regarding Plaintiff's
17 liability claims.
- 18 b. Defendants' Subjects on Which Discovery will be Needed.
19 Without prejudice to their rights to seek discovery on any
20 relevant issues, Defendants contemplate that they will need
21 and seek discovery concerning: the basis of Plaintiff's claims,
22 theories of liability and damages, Defendants' defenses to
23 each, and any and all factual, evidentiary, and legal support.
- 24 c. Agreed Upon Methods of Discovery.
25 The parties agree that the anticipated methods of future
26 discovery will include: (1) written discovery in the form of
27 Interrogatories, Requests for Admissions, and Requests for
28 Production of Documents; (2) written discovery via issuance

1 of subpoenas to third parties; and (3) oral depositions of
2 Plaintiff, Defendants' employees and "person(s) most
3 knowledgeable" under Rule 30(b)(6), and other relevant
4 witnesses.

5 **2. Discovery Completion Dates**

- 6 a. Supplementations – Supplementations under Fed. R. Civ.
7 Proc. 26(e) are due in a reasonable time after material, relevant
8 facts are learned, or by court order.
9 b. Discovery Cut-Off – All fact discovery shall be completed by
10 all parties on or before May 22, 2015.

11 **3. Protocol for Electronically-Stored Information**

12 Disclosure or discovery of electronically stored information should
13 be handled as follows:

- 14 a. All electronic files are to be produced in their native format as
15 kept in the ordinary course of business, along with any
16 program used to open those files. Metadata shall not be
17 removed from any file prior to production.
18 b. If any electronic file cannot reasonably be produced in its
19 native format, all documents within that file are to be
20 produced electronically in optical character recognized (also
21 known as “OCR”-ed) portable document format (PDF),
22 accompanied by a declaration from counsel explaining the
23 reason the electronic file could not be produced in its native
24 format.

25 **4. Procedures for Resolving Disputes Regarding Claims of**
26 **Privilege**

27 The parties agree to use the procedures set forth in Fed. R. Civ. Proc.
28 Rule 26(b)(5) regarding any claims of privilege or protecting

1 materials asserted as being for trial-preparation. The parties request
2 that this proposed procedure be adopted within the court's further
3 orders.

4 **5. Changes in Discovery Limitations**

5 The parties do not request any changes in the discovery limitations
6 set forth in the FRCP.

7 **II. THE MATTER IS NOT COMPLEX**

8 The parties agree that the matter is not complex such that any portion of
9 Manual for Complex Litigation should be utilized in managing the matter.

10 **III. PROPOSED MOTION AND TRIAL SCHEDULE**

11 **A.** The parties propose that the time for filing non-dispositive motions shall
12 be July 31, 2015. The parties propose that the time for filing dispositive
13 pre-trial motions shall be September 4, 2015.

14 **B.** Pretrial Disclosures – All pretrial disclosures will be exchanged on or
15 before September 25, 2015. Any objections to pretrial disclosures will be
16 governed by Fed. R. Civ. Proc. 26(a)(3)(B).

17 **C.** The parties propose that the time for a final pre-trial conference date shall
18 be October 23, 2015.

19 **D.** The parties propose that the time for trial shall be November 13, 2015, or
20 as soon thereafter as the Court deems appropriate.

21 **IV. SETTLEMENT AND ADR**

22 Settlement is likely. The parties are currently discussing terms of a potential
23 settlement. Should these early efforts be unsuccessful, the parties elect to appear
24 before a neutral selected from the Court's mediation panel. The parties propose
25 that a mediation session occur on or before September 8, 2015.

26 **V. TRIAL TIME ESTIMATE**

27 Trial is currently expected to last six days.

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1 **VI. ADDITIONAL PARTIES**

2 The parties do not anticipate any additional parties being added to the case.
3 The parties propose that the deadline for amending the complaint to identify DOE
4 defendants be January 23, 2015.

5 **VII. PROPOSED EXPERT DISCOVERY SCHEDULE**

6 Deadlines for disclosure of the identities of expert witnesses that each party
7 may use at trial to present evidence, and any written report from an expert witness
8 required under Fed. R. Civ. Proc. 26(a)(2)(B) will be filed by June 26, 2015.
9 Rebuttal expert reports will be filed by July 17, 2015.

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11 Dated: August 22, 2014

Michel & Associates, P.C.

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13 /s/ C. D. Michel
14 C. D. Michel
Attorney for the Plaintiffs

15
16 Dated: August 22, 2014

City of Torrance
Office of the City Attorney

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18 s/ Della Thompson-Bell
19 Della Thompson-Bell
20 Deputy City Attorney
Attorney for Defendants

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