

CIVIL COVER SHEET

The US-44 civil cover sheet and the information contained herein neither create nor supplement the filing and service of pleading or other papers as required by law except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I (a) PLAINTIFFS

United States of America

DEFENDANTS

State of California; Honorable George Deukmejian, Governor of the State of California; James Rowland, Director Calif. Dept of Corrections, et.al.

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Sacramento
EXCEPT IN U.S. PLAINTIFF CASES)

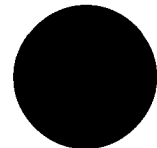
COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT Sacramento
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

David F. Levi
U.S. Attorney
650 Capitol Mall, Federal Bldg
Sacramento, CA 95814

ATTORNEYS (IF KNOWN)



II. BASIS OF JURISDICTION

(PLACE AN X IN ONE BOX ONLY)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY

42 U.S.C. S1997

V. NATURE OF SUIT

(PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Motor Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med Negligence <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Automobile Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Trust in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Food & Drug <input type="checkbox"/> 630 Labor Laws <input type="checkbox"/> 640 R.R. & Trust <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 655 Occupational Safety/Health <input type="checkbox"/> 699 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Legislation <input type="checkbox"/> 791 Emer. Rel. Inc. Security Act	<input type="checkbox"/> 422 Assets <input type="checkbox"/> 423 Withdrawals <input type="checkbox"/> 424 US 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 FIA (1966) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 OWB (1408(g)) <input type="checkbox"/> 864 OWB (1408(g)) <input type="checkbox"/> 865 SSI Title XVI <input type="checkbox"/> 866 RSI (1408(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7608	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Arrests <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce, ICC Rates <input type="checkbox"/> 460 Deposition <input type="checkbox"/> 470 Recreational Inland & Coastal Organizations <input type="checkbox"/> 510 Selective Service <input type="checkbox"/> 550 Securities, Commodities Exchange <input type="checkbox"/> 675 Customer Challenge 12 USC 3610 <input type="checkbox"/> 681 Agricultural Acts <input type="checkbox"/> 692 Economic Stabilization Act <input type="checkbox"/> 693 Environmental Matters <input type="checkbox"/> 694 Energy Allocation Act <input type="checkbox"/> 695 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 990 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Easement <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input checked="" type="checkbox"/> 448 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights			

VI. ORIGIN

(PLACE AN X IN ONE BOX ONLY)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

Check YES only if demanded in complaint
JURY DEMAND: YES NO

VIII. RELATED CASE(S) IF ANY

(See instructions)

Gates v. Deukmejian, CIVS 87-1636 LKK-JFM
JUDGE LKK-JFM DOCKET NUMBER CIVS87-1636

DATE

Sept 12, 1987

SIGNATURE OF ATTORNEY OF RECORD

Gregory A. Hollows

UNITED STATES DISTRICT COURT

GREGORY A. HOLLOWES, AUSA, Chief, Civil Division

United States District Court
for the
Eastern District of California

FILED

SEP 12 12 50 PM '89

COURT
EASTERN DISTRICT OF CALIF.
AT SAN JOSE, CALIF.
DEPUTY

CIVS-

89-1233 EIG-JFM

NO. CIV S-

ORDER SETTING STATUS
(PRETRIAL SCHEDULING)
CONFERENCE

USA

Plaintiff,

vs.

State of Calif. et al

Defendant.

This action has been assigned to the Honorable Edward J. Garcia, on this date.

Pursuant to the provisions of Fed. R. Civ. P. §16, as amended effective August 1, 1983, IT IS ORDERED:

I. That a Preliminary Scheduling Conference is set for January 12, 1990 at 10:30 a.m. before Judge Garcia, in Courtroom #2;

II. That all parties to the action shall appear by counsel (or in person if acting without counsel);

III. That in order to enable the court to comply with the 120-day time limit specified in Rule 16(b), Plaintiff(s) SHALL COMPLETE SERVICE OF PROCESS ON ALL PARTIES WITHIN 45 DAYS OF THE DATE OF FILING THE COMPLAINT HEREIN:

IV. That concurrently with the service of process, or as soon thereafter as possible, Plaintiff(s) shall serve upon each of the parties named herein, and upon all parties subsequently joined, a copy of this Order, and shall file with the Clerk a certificate reflecting such service;

V. That in the event an action is originally filed in a state court and is thereafter removed to this court, the removing party or parties shall, immediately following such removal, serve upon each of the other parties named herein, and upon all parties subsequently joined, a copy of this Order, and shall file with the Clerk a certificate reflecting such service;

VI. That each party shall file a Status Report, in duplicate, with the Court and serve the same upon the opposing party, or the opposing party's counsel, if an appearance by counsel has been made, not later than 10 days prior to the conference date. The report shall briefly set forth the views of the party making the report on the following matters:

(a) Service of process on parties not yet served;

Order Setting Status Conference, cont.

- (b) Jurisdiction and venue;
- (c) Anticipated motions with suggested Law and Motion dates;
- (d) Anticipated or outstanding discovery;
- (e) Further proceedings, including setting dates for submission of further status reports, if necessary, suggested discovery cut-off, pretrial and trial dates (It is the policy of this Court to cut-off discovery and set a Pretrial Conference 90 days prior to the scheduled trial date. Furthermore, no dispositive law and motion shall be heard later than 60 days prior to the Pretrial Conference without the Court's specific approval. The parties shall be required to disclose witnesses about 60 days prior to discovery cut-off. IN SUMMARY: the parties shall be prepared to commence trial 5 months after witness disclosure.);
- (f) Appropriateness of special procedures such as reference to a special master or Magistrate or the Judicial Panel on Multi-district Litigation;
- (g) Modification of the standard pretrial procedures specified by the Rules because of the relative simplicity or complexity of the action or proceedings;
- (h) Prospects for settlement; in this regard, each party shall report to the court concerning its willingness to stipulate that the trial judge may act as a settlement judge;
- (i) Whether this action is related to any matter pending in either this court or the bankruptcy court of this district;
- (j) Any other matters which may be conducive to the just, efficient and economical determination of the action or proceedings; and
- (k) Whether an exchange of witness lists and a disclosure of experts, if any, 60 days before final pretrial conference would be advisable.

The parties are advised that failure to file a status report in accordance with this order may result in sanctions, including the dismissal of the action.

IT IS FURTHER ORDERED that except in cases of legitimate emergencies, requests for continuances of this conference will not be entertained unless made at least THREE (3) DAYS prior to the scheduled date.

BY THE COURT'S DIRECTION.

JAMES R. GRINDSTAFF, CLERK

Dated: SEP 12 1998

By: C. Lydon
C. Lydon, Deputy

U.S. v. Cal.



PC-CA-013-004