



(PC) Sekona v. Francis et al

2024 | Cited 0 times | E.D. California | June 18, 2024

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

ETUATE SEKONA,

Plaintiff, v. MAGGIE FRANCIS,

Defendant.

No. 1:19-cv-00529-KES-HBK (PC) AMENDED FINAL PRETRIAL ORDER Deadlines: Motion in Limine Filing: July 29, 2024 Oppositions: August 7, 2024 Exhibits due to Court: August, 30, 2024 Proposed Jury Instructions, Verdict Form, and Voir Dire: August 20, 2024 Objections: August 27, 2024 Jury Trial: September 10, 2024, at 8:30 a.m. Courtroom 6

On June 17, 2024, the court conducted a final pretrial conference in this action. Plaintiff Etuate Sekona appeared pro se via Zoom; Tom Cregger appeared via Zoom as counsel for defendant Maggie Francis. This matter is set for a jury trial on September 10, 2024, at 8:30 a.m. in Courtroom 6 before District Judge Kirk E. Sherriff and this amended final pretrial order is being issued to set new pretrial deadlines.

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 42 U.S.C. § 1983 against defendant Francis. This action is set for trial on plaintiff claim against defendant Francis for deliberate indifference to p needs in violation of the Eighth Amendment. I. JURISDICTION/VENUE

Jurisdiction is predicated on 28 U.S.C. §§ 1331 and 1343. Jurisdiction is not contested. The events at issue took place in Kern County, California. Accordingly, venue is proper pursuant to 28 U.S.C. § 1391(b). Venue is also not contested. II. JURY

Both plaintiff and defendant demand a jury trial. The jury will consist of eight jurors. III. UNDISPUTED FACTS

a. Plaintiff Etuate Sekona is a California state prisoner (AM-9766), and, at the time of the event b. KVSP.



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c. The events occurred at Kern Valley State Prison. d. On September 19, 2018, Plaintiff underwent a type of prostate surgery known as a

urolift. e. f. The surgeon was Dr. Gene Hori. g. After the surgery, Plaintiff returned to KVSP at approximately 5:00 p.m. on September

19, 2018. h. Defendant Francis was the RN who received Plaintiff at KVSP. Plaintiff was returned

to custody once he arrived. i. At approximately 10:39 p.m., Dr. Wayne Ulit, a KVSP employee, made a medication

order for Tylenol with codeine. j. At approximately 11:10 p.m., Defendant took Plaintiff to the triage clinic because

Plaintiff complained of pain. k. While at the triage clinic, RN Negre attended to Plaintiff. l. Negre reviewed the medication orders and prepared a dose of Tylenol with codeine. m. The medication order prescribed for administration no more than three times per day,

as needed, for pain. n. The medication order prescribed for the medication to be crushed and floated prior to

administration. o. When Negre gave Plaintiff the medication, he refused to take it. p. Plaintiff began taking Tylenol with codeine on September 20, 2018. q. Plaintiff was catheterized and connected to a urine collection bag when he returned to

KVSP. r. On September 20, 2018, the urine bag was emptied. s. Immediately following his return to KVSP, and continuing thereafter for at least seven

days, medical personnel saw Plaintiff on a daily basis. t. The catheter was removed on September 22, 2018. IV. DISPUTED FACTUAL ISSUES

a. Whether, on return to KVSP, Plaintiff had a prescription for pain medication from Dr.

Hori. b. Whether, on return to KVSP, Plaintiff made any complaints of pain to Defendant. c. At what point in time an order was first made for pain medication. d. trip to the triage clinic on September 19, 2018.

e. Whether Defendant is authorized to prescribe pain medications. f. Whether Plaintiff developed any infection secondary to the September 19, 2018,

surgery. g. n



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to KVSP at approximately 5:00 p.m. and his interaction with RN Negre at the triage clinic at approximately 11:10 p.m. h. Whether a delay in administering pain medication contributed to any subsequent injury. V. DISPUTED LEGAL ISSUES

None listed. VI. DISPUTED EVIDENTIARY ISSUES

a. Evidentiary Issues Defendant

i. Whether Plaintiff can offer testimony or other evidence of him developing an

infection secondary to the September 19, 2018, surgery. ii. Whether Plaintiff can offer testimony or other evidence of him developing a

medical condition secondary to a delay in administration of pain medication on September 19, 2018. iii.

iv. Whether Plaintiff can offer testimony or other evidence to the effect that any act

or omission of Defendant regarding his medical care on September 19, 2018, and thereafter, fell below the applicable standard or care. v. Whether Plaintiff can offer testimony or other evidence to the effect that any act

or omission of Defendant regarding his medical care on September 19, 2018, and thereafter, would result in significant harm to Plaintiff. vi. Whether Plaintiff can offer testimony or other evidence to the effect that, with

on September 19, 2018, and thereafter, Defendant knew that the same would

result in significant harm to Plaintiff. vii. Whether Plaintiff can offer as exhibits medical records containing his

handwritten annotations. viii. Whether Plaintiff can offer as exhibits declarations that he prepared. ix. The extent to which the Findings and Recommendations made on Defendant

x. b. Evidentiary Issues Plaintiff

i. None listed. VII. MOTIONS IN LIMINE

The parties have not yet filed motions in limine. The purpose of a motion in limine is to establish in advance of the trial that certain evidence should not be offered at trial. The court will grant a motion in limine, and thereby bar use of the evidence in question, only if the moving party establishes that



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the evidence clearly is not admissible for any valid purpose. Id. The court does not encourage the filing of motions in limine unless they are addressed to issues that can realistically be resolved by the court prior to trial and without reference to the other evidence which will be introduced by the parties at trial.

In advance of filing any motion in limine, the parties shall meet and confer to determine whether they can resolve any disputes and avoid filing motions in limine.

Any motions in limine the parties intend to file must be filed with the court no later than July 29, 2024. The motion must clearly identify the nature of the evidence that the moving party seeks to prohibit the other side from offering at trial. Any opposition to the motion must be served on the other party and filed with the court no later than August 7, 2024. After reviewing the motions and any opposition briefs, the court will notify the parties if a reply brief is necessary. As such, parties shall not file any reply briefs without court approval. The court will also notify the parties if it will hear argument on any motions in limine prior to the first day of trial. The parties are reminded they may still object to the introduction of evidence during trial. VIII. SPECIAL FACTUAL INFORMATION

Special factual information pursuant to Local Rule 281(b)(6) is not applicable to this action. IX. RELIEF SOUGHT

a. Plaintiff

i. Plaintiff seeks \$100,000.00 in damages. Plaintiff does not specify whether

he seeks punitive damages as part of this amount. b. Defendant

i. X. POINTS OF LAW

a. 42 U.S.C. § 1983 The Civil Rights Act under which this action was filed provides:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress

Graham v. Connor, 490 U.S. 386, 393-94 (1989) quoting Baker v. McCollan, 443 U.S. 137, 144 n.3 (1979)); see also Hall v. City of Los Angeles, 697 F.3d 1059, 1068 (9th Cir. 2012); Crowley v. Nevada, 678 F.3d 730, 734 (9th Cir. 2012).



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Under 42 U.S.C. § 1983, a plaintiff is required to prove that the defendant (1) acted under color of state law and (2) deprived him of federally protected constitutional rights. 42 U.S.C. § 1983; *West v. Atkins*, 487 U.S. 42 (1988). A plaintiff must demonstrate that the defendant personally participated in the deprivation of his rights. *Jones v. Williams*, 297 F.3d 930, 934 (9th Cir. 2002). There is no respondeat superior liability under Section 1983, and the defendant is only liable for his own misconduct. *Ashcroft v. Iqbal*, 556 U.S. 662, 129 S. Ct. 1937, 1948-49 (2009); see *Taylor v. List*, 880 F.2d 1040, 1045 (9th

Cir. 1989); see also *Monell v. Dept. of Social Services*, 436 U.S. 658, 691-92 (1978).

b. Eighth Amendment Medical Deliberate Indifference Deliberate indifference to the serious medical needs of an incarcerated person constitutes cruel and unusual punishment in violation of the Eighth Amendment. See *Estelle v. Gamble*, 429 deliberate indifference

See *McGuckin v. Smith*, 974 F.2d 1050, 1059 (9th Cir.1992), overruled on other grounds, *WMX Technologies, Inc. v. Miller*, *Colwell v. Bannister*, 763 F.3d 1060, 1066 (9th Cir. 2014). On the subjective prong, a prison official must know of and disregard a serious risk of harm. *Farmer v. Brennan*, 511 U.S. 825, 837 (1994). Such indifference may appear when a prison official intentionally denies or delays care, or intentionally interferes with treatment once prescribed. *Estelle*, 429 U.S. at 104-05. If, however, the official failed to recognize a risk to the plaintiff should the official has not violated the Eighth Amendment. *Sandoval v. Cnty. of San Diego*, 985 F.3d 657, 668 (9th Cir. 2021) (emphasis in original). That is because deliberate indifference is a higher standard than medical malpractice. Thus, a difference of opinion between medical professionals or between the plaintiff and defendant generally does not amount to deliberate indifference. See *Toguchi v. Chung*, 391 F.3d 1051, 1057 (9th Cir. 2004). An argument that more should have been done to diagnose or treat a condition generally reflects such differences of opinion and not deliberate indifference. *Estelle*, 429 U.S. at 107. To prevail on a claim involving choices between alternative courses of treatment, a plaintiff must show that *Hamby v. Hammond*, 821 F.3d

1085, 1092 (9th Cir. 2016).

Estelle, 429 U.S. at 105, or even gross negligence, *Lemire v. California Dep't of Corr. & Rehab.*, 726 F.3d 1062, 1082 (9th Cir. 2013). Misdiagnosis alone is not a basis for a claim of deliberate medical indifference. *Wilhelm v. Rotman*, 680 F.3d 1113, 1123 (9th Cir. 2012). A delay in treatment, without more, is likewise insufficient to state a claim. *Shapley v. Nevada Bd. of State Prison*, 766 F.2d 404, 407 (9th Cir. 1985). It is only when an official both recognizes and disregards a risk of substantial harm that a claim for deliberate indifference exists. *Peralta v. Dillard*, 744 F.3d 1076, 1086 (9th Cir. 2014) (en banc). A plaintiff must also demonstrate harm *Jett v. Penner*, 439 F.3d 1091, 1096 (9th Cir. 2006). And the *Lemire*, 726 F.3d at 1074.

c. Punitive Damages The plaintiff has the burden of proving what, if any, punitive damages should be



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awarded by a preponderance of the evidence. NINTH CIRCUIT MODEL CIVIL JURY INSTRUCTIONS § 5.5 (2018). The jury must find that the defend Smith

v. Wade, 461 U.S. 30, 56 (1986); Larez v. Holcomb, 16 F.3d 1513, 1518 (9th Cir. 1994).

d. Compensatory Damages Under 42 U.S.C. § 1997e(e), an inmate may not recover compensatory damages for mental or emotional injuries suffered while in custody without a prior showing of physical injury. However, in *Oliver v. Keller*, 289 F.3d 623 (9th Cir. 2002), the Ninth Circuit held that to the extent a plaintiff has actionable claims premised on constitutional violations, his claims are not limited by § 1997e(e). Accordingly, district courts in the Ninth Circuit consistently conclude that if a plaintiff states a constitutional claim, as opposed to one for mental or emotional injuries, the physical injury requirement of § 1997e(e) does not bar the award of compensatory damages. See e.g., *Cockcroft v. Kirkland*, 548 F. Supp. 2d 767, 776-77 (N.D. Cal. 2008) 1997e(e) does not apply to claims for compensatory damages not premised on emotional injury . . . [t]he fact that Cockcroft never suffered any physical injury as a result of [defendant] Linfor's alleged acts may make his Eighth Amendment claim of very little financial value but does not make the claim non- *Low v. Stanton*, WL 234859, *4 (E.D. Cal. Jan. 14, 2010) (finding that plaintiff may recover compensatory damages for the violation of his Fourteenth Amendment rights).

e. Qualified Immunity statutory or constitutional rights of which a reasonable person would have known. *White v. Pauly*,

137 S. Ct. 548, 551 (2017). Officers are entitled to qualified immunity under Section 1983 unless (1) the officers violate a federal statutory or constitutional right, and (2) the unlawfulness of their District of Columbia v. Wesby, 138 S. Ct. 577, 589 (2018); *White*, 137 S. Ct. at 551. See *Wesby*, 138 S. Ct. at 589; *Vos v. City of Newport Beach*, 892 F.3d 1024, 1035 (9th Cir. 2018).

Wesby, 138 S. Ct. at 589 (citing *Malley v. Briggs*, 475 U.S. 335, 341 (1986)). robust consensus of cases of persuasive authority. *Wesby*, 138 S. Ct. at 589.

f. Impeachment by Evidence of Prior Felony Convictions Federal Rule of Evidence 609(a)(1)(A) provides that evidence of a conviction for a crime punishable for more than one year is admissible, subject to Rule 403, in a civil case to attack a Fed. R. Evid. 609(a)(1)(A). Additionally, any incarcerated witness who testifies is also subject to impeachment under Rule 609. Evidence of a conviction under this rule is not admissible if a period of more than ten years has elapsed since the date of the conviction or release from confinement from it. Fed. R. Evid. 609(b).

ANY CAUSES OF ACTION OR AFFIRMATIVE DEFENSES NOT EXPLICITLY LISTED IN THE PRETRIAL ORDER UNDER POINTS OF LAW ARE DISMISSED AND DEEMED WAIVED. XI. ABANDONED ISSUES



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None. XII. WITNESSES

Plaintiff's witnesses shall be those listed in Attachment A. those listed in Attachment B. Each party may call any witnesses designated by the other. The

ny further steps plaintiff shall take with regards to his witnesses.

The court does not allow undisclosed witnesses to be called for any purpose, including impeachment or rebuttal, unless they meet the following criteria:

a. The party offering the witness demonstrates that the witness is for the purpose of

rebutting evidence that could not be reasonably anticipated at the pretrial conference; or b. The witness was discovered after the pretrial conference and the proffering party makes

the showing required in Paragraph C, below. c. Upon the post pretrial discovery of any witness a party wishes to present at trial, the

party shall promptly inform the court and opposing parties of the existence of the unlisted witness so the court may consider whether said witness shall be permitted to testify at trial. The witness will not be permitted unless:

i. The witness could not have reasonably been discovered prior to the discovery

cutoff; ii. The court and opposing parties were promptly notified upon discovery of the

witness; iii. If time permitted, the party proffered the witness for deposition; and iv. provided to opposing parties.

XIII. EXHIBITS, SCHEDULES, AND SUMMARIES

a. Exhibit Binders

i. Attachment C

in Attachment D. The parties must prepare three (3) separate exhibit binders for use by the court at trial, with a side tab identifying each exhibit in accordance with the following specifications:

1. - numbered sequentially beginning with 100 (e.g., PX-100, PX-101, etc.).

2. - numbered sequentially beginning with 200 (e.g., DX-200, DX-201, etc.)



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and shall be separated by tabs. 3. Joint exhibits shall be pre- sequentially beginning with 1 (e.g., JT-1, JT-2, etc.), and d

counsel shall submit the original and two (2) copies of the joint trial exhibits, with exhibit lists and separated by tabs. 4. Exhibits that are multiple pages shall be marked with page numbers in

addition to the prefix and exhibit number, on each page of the exhibit (e.g., PX-100, page 1 of 2, PX-100, page 2 of 2, etc.). 5. Each binder shall have an identification label on the front and spine. ii. The parties shall submit exhibit binders to Courtroom Deputy, Victoria

Gonzales, no later than August 30, 2024. b. Exchange of Trial Exhibits

i. The parties shall also serve one (1) copy of all trial exhibits, along with their

exhibit list, on each other no later than August 9, 2024, and any objections thereto are due no later than August 23, 2024. This includes any demonstrative evidence the parties intend to use. c. Use of Undisclosed Exhibits

i. The court does not allow the use of undisclosed exhibits for any purpose,

including impeachment or rebuttal, unless they meet the following criteria:

1. The party proffering the exhibit demonstrates that the exhibit is for the

purpose of rebutting evidence that could not have been reasonably anticipated, or 2. The exhibit was discovered after the issuance of this order and the

proffering party makes the showing required in paragraph a, below.

a. Upon the discovery of exhibits after the discovery cutoff, a party

shall promptly inform the court and opposing parties of the existence of such exhibits by filing a notice on the docket so that the court may consider their admissibility at trial. The exhibits will not be received unless the proffering party demonstrates:

i. The exhibits could not have reasonably been discovered

earlier; ii. The court and the opposing parties were promptly

informed of their existence; and iii. The proffering party forwarded a copy of the exhibits (if



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physically possible) to the opposing party. If the exhibits may not be copied, the proffering party must show that it has made the exhibits reasonably available for inspection. XIV. DISCOVERY DOCUMENTS

a. The parties indicated at the pretrial conference that they do not anticipate using any

deposition transcript at trial. If that changes, the parties must lodge with the Clerk of Court, no later than August 30, 2024, a copy of any deposition transcript to be used at trial. b. The following is a list of discovery documents portions of depositions, answers to

interrogatories, and responses to requests for admissions that the parties expect to offer at trial. NO DISCOVERY DOCUMENTS, OTHER THAN THOSE LISTED IN THIS SECTION, MAY BE ADMITTED UNLESS THE PARTIES STIPULATE OR UPON A SHOWING THAT THIS ORDER SHOULD BE MODIFIED TO Fed. R. Civ. P. 16(e); Local Rule 281(b)(12).

i. Plaintiff

1. answer to the complaint, dated January 14, 2020. ii. Defendant's Proposed Discovery to be Proffered at Trial

1. None listed. XV. FURTHER DISCOVERY OR MOTIONS

Plaintiff and defendant state that no further discovery is necessary. Defendant intends to file motions in limine. If appropriate, defendant may move for judgment as a matter of law under Federal Rule of Civil Procedure 50 at the close of plaintiff case in chief and before the case is submitted to the jury. Furthermore, defendant intends to file specific objections to p exhibits once parties exchange exhibits. Law and Motion and Discovery are closed in this case. There is no indication in p rial statement that he intends to file any additional motions. XVI. STIPULATIONS

Defendant is willing to stipulate to the authenticity of p Medical files.

XVII. AMENDMENTS/DISMISSALS

None. XVIII. SETTLEMENT

The parties participated in settlement conferences on July 18, 2022, and April 17, 2023. Both settlement conferences resulted in an impasse. Plaintiff intends to send a written settlement demand to defense counsel by June. Plaintiff's settlement proposal, defense counsel will notify the court if the parties believe that a further settlement conference before a magistrate judge prior to trial would be useful. XIX. JOINT STATEMENT OF THE CASE



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The court has drafted the following neutral statement of the case to be read to the prospective jurors:

Plaintiff claims that, while he was incarcerated as a state prisoner, defendant Francis was deliberately indifferent to his serious medical needs by failing to timely provide pain medication. XX. SEPARATE TRIAL OF ISSUES

There will be no separate trial of issues in this action. However, the court will bifurcate the trial with respect to the amount of punitive damages, if necessary. Should a jury find punitive liability in the first phase of the trial, the trial will proceed to a second phase which will consist of any evidence and argument with respect to the appropriate amount of punitive damages. The parties may not present evidence regarding the amount of punitive damages until the second phase of the trial. XXI. IMPARTIAL EXPERTS/LIMITATION OF EXPERTS

None. XXII.

Plaintiff, who is proceeding pro se, Kay v. Ehrler, 499 U.S. 432, 435 (1991). Defendant and costs as appropriate. XXIII. TRIAL PROTECTIVE ORDER AND REDACTION OF TRIAL EXHIBITS

Special handling of prison records and photographs may be appropriate as to any confidential information where disclosure may compromise the safety and security of the institution, staff, or other inmates.

If defendant is required to disclose information concerning their financial status, they will request that the court issue a protective order concerning this information, under Local Rule 141.1(b)(2).

Pursuant to the c court will return all exhibits to their proffers to be retained during the pendency of any appeals. XXIV. MISCELLANEOUS

None. XXV. ESTIMATED TIME OF TRIAL/TRIAL DATE

Jury trial is set for September 10, 2024, at 8:30 a.m. in Courtroom 6 before District Judge Kirk E. Sherriff. Trial is anticipated to last 3-5 court days. The parties are directed to call Victoria Gonzales, courtroom deputy, at (559) 499-5676, one week prior to trial to ascertain the status of the trial date. XXVI. PROPOSED JURY VOIR DIRE, JURY INSTRUCTIONS, AND VERDICT FORM

a. Proposed Jury Voir Dire

i. The parties shall file any proposed jury voir dire by August 20, 2024. Each

party will be limited to twenty minutes of jury voir dire, unless they show good cause for additional time. b. Proposed Jury Instructions and Proposed Verdict Form



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i. The court directs the parties to meet and confer, if possible, to generate a

joint set of jury instructions and a joint verdict form. The parties shall file any such joint set of instructions by August 20, 2024. The parties shall file any agreed upon verdict form. If the parties cannot agree upon certain specific jury instructions and/or the verdict form, defendant shall file proposed jury instructions and a proposed verdict form as provided in Local Rule 163 by August 20, 2024. Plaintiff is not required to file proposed jury instructions or a proposed verdict form, but if he wishes to do so, he must file them by August 20, 2024. ii. The parties shall indicate on any proposed jury instructions or proposed verdict

form the party submitting the proposed instructions or verdict form (i.e., Joint,

iii. The parties shall also include on all proposed jury instructions the following:

1. The number of the proposed instruction in sequence. 2. A brief title for the instruction describing the subject matter. 3. The complete text of the instruction. 4. The legal authority supporting the instruction. 5. The parties shall, by italics or underlining, designate any modification

from statutory or case authority, or any pattern or form instruction, or any other source of pattern instructions. 6. The parties must specifically state the modification made to the original

form instruction and the legal authority supporting the modification. 7. All blanks in form instructions should be completed and all brackets

removed. iv. Ninth Circuit Model Jury Instructions shall be used where the subject of the

instruction is covered by the model instructions, including for all standard instructions. State model jury instructions, such as BAJI or CACI instructions, shall be used where applicable as to state law claims. The parties shall designate, by italics or underlining, any proposed modification of instructions from any pattern instruction, such as the Ninth Circuit Model Civil Jury Instructions or other pattern instructions, or from statutory or case authority. The parties must specifically state the modification made to the standard instruction and the legal authority supporting the proposed modification. All instructions shall be short, concise, understandable, and neutral and accurate statements of the law. Argumentative instructions will not be given and must not be submitted. v. Defendant shall e-mail a copy of all proposed jury instructions and any proposed

verdict form, whether agreed or disputed, other than a jury instruction or verdict form proposed solely by plaintiff, as a Word document to kesorders@caed.uscourts.gov no later than August 20, 2024. c. Objections to proposed jury instructions

i. The parties must file any objections to proposed jury instructions by August 27,



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2024. Each objection shall identify the challenged instruction and shall provide a concise explanation of the basis for the objection along with citation of authority. When applicable, the objecting party shall submit an alternative proposed instruction on the issue or identify which of his or her own proposed instructions covers the subject. XXVII. TRIAL BRIEFS

The parties are relieved of their obligation under Local Rule 285 to file a trial brief. If any party wishes to submit a trial brief, they must do so by August 30, 2024. XXVIII. COMPLIANCE WITH PRETRIAL ORDER Strict compliance with this pretrial order and its requirements is mandatory. The court will enforce the requirements of this pretrial order, and counsel and parties are subject to sanctions for failure to comply fully with this order and its requirements. The Court will modify the pretrial Fed. R. Civ. P. 16(e). The Court ADMONISHES the parties and counsel to obey the Federal Rules of Civil Procedure, the Local Rules, and the c orders. Failure to do so will make the parties and/or counsel subject to sanctions.

IT IS SO ORDERED. Dated: June 17, 2024 UNITED STATES DISTRICT JUDGE Individual Fact v. Expert Contact Information 1. Correction Officer Tabia Fact c/o Kern Valley State Prison

2. Elvis Negre, RN Fact c/o Kern Valley State Prison

3. Correction Officer

Hernandez

Fact c/o Kern Valley State Prison

4. Correctional Officer

Commagay

Fact c/o Kern Valley State Prison

5. Correctional Officer Villa Fact c/o Kern Valley State Prison

6. Gene Hori, M.D. Fact 4251 S. Higuera St.

San Luis Obispo, CA 93401

7. Dr. Zepp Fact c/o Kern Valley State Prison

8. Melinda Cook, LVN Fact c/o Kern Valley State Prison



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9. Raman Kaur, LVN Fact c/o Kern Valley State Prison Individual Fact v. Expert Contact Information

1. Maggie Francis, RN Fact/Expert c/o Cregger Law, LLP

2. Elvis Negre, RN Fact/Expert c/o Justin Walker, Deputy Attorney General

1300 I St., Ste. 125 P.O. Box 944255 Sacramento, CA 94244 3. Andrew Zepp, M.D. Fact/Expert c/o Kern Valley State Prison

4. Wayne Ulit, M.D. Fact/Expert c/o Kern Valley State Prison

5. Jeffery Wang, M.D. Fact/Expert c/o Kern Valley State Prison

6. Gene Hori, M.D. Fact/Expert 4251 S. Higuera St.

San Luis Obispo, CA 93401

7. Marta Speath, M.D. Fact/Expert c/o Kern Valley State Prison

8. CDCR Custodian of Records Fact

Ex. Description Beginning Bates Nos. Ending Bates Nos. 1. Dr. G. Hori urolift prostate procedure (Sep. 19, 2018) 2.

Medication administration records (Sep. 20, 2018 Sep. 28, 2018) 3. (Jan. 14, 2020) 4. (Jan. 22, 2021) 5.

Declaration of inmate Niko Rojo, No. AG 4254 (Sep. 25, 2018) 6. 7.

showing exhaustion (Dec. 15, 2018) 8. Ultrasound showing kidney injury (Jan. 10, 2019) 9. Foley catheter bag removed (Sep. 22, 2018) 10. 11. 7362 for hurt kidneys (Dec. 21, 2018) 12. 7362 for missed antibiotic (Sep. 27, 2018) 13. 7362 for kidney abdominal pain (Oct. 4, 2018) 14. 7362 for infection and no antibiotic (Dec. 14, 2018) 15. 7362 for kidney pain (Dec. 26, 2018) 16.

7362 for Dr. Zepp trying to pass cystoscopy (Jan. 1, 2019) 17. 7362 for kidney ultrasound (Jan. 4, 2019) 18.

Provider notes instructing medication for Tylenol with codeine for Dysuria (Nov. 19, 2018) 19.

Discharge instructions for urolift at San Luis Obispo with Dr. Hori (Sep. 19, 2018) 20.

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23. Ex. Description Beginning Bates Nos. Ending Bates Nos.

1.

2.

(1) records from Dr. Hori and French Hospital, San Luis Obispo, regarding the September 19 surgery and follow-up; and (2) CDCR medical records upon return to KVSP on September 19 and subsequent follow-up treatment

