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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

William O. Robinson,
Plaintiff,
vs.
R. Tait, Medical Tech.,
Defendant.

No. 1:06-cv-00385-DGC
CASE MANAGEMENT ORDER

On March 13, 2009, the parties met and conferred as required by Rule 26(f) of the Federal Rules of Civil Procedure. The parties have filed a joint case management report. On the basis of that report, and pursuant to Rule 16,

IT IS HEREBY ORDERED:

- Deadline for Joining Parties, Amending Pleadings, and Filing Supplemental Pleadings. The deadline for joining parties, amending pleadings, and filing supplemental pleadings is **60 days** from the date of this Order.
- Discovery Limitations. Depositions in this case shall be limited to seven hours each as provided in Rule 30(d)(2) of the Federal Rules of Civil Procedure. Each side may propound up to 40 interrogatories, including subparts, 40 requests for production of documents, including subparts, and 40 requests for admissions, including subparts. The limitations set forth in this paragraph may be increased by mutual agreement of the parties,

1 but such an increase will not result in an extension of the discovery deadlines set forth below.

2 3. Deadline for Completion of Fact Discovery. The deadline for completing fact
3 discovery, including discovery by subpoena, shall be **August 28, 2009**. To ensure
4 compliance with this deadline, the following rules shall apply:

5 a. Depositions: All depositions shall be scheduled to commence at least
6 **five working days** prior to the discovery deadline. A deposition commenced five days prior
7 to the deadline may continue up until the deadline, as necessary.

8 b. Written Discovery: All interrogatories, requests for production of
9 documents, and requests for admissions shall be served at least **45 days** before the discovery
10 deadline.

11 c. The parties may mutually agree, without Court approval, to extend the
12 time provided for discovery responses in Rules 33, 34, and 36 of the Federal Rules of Civil
13 Procedure. Such agreed-upon extensions, however, shall not alter or extend the discovery
14 deadlines set forth in this Order.

15 4. Deadlines for Disclosure of Experts and Completion of Expert Discovery.

16 a. The Plaintiff(s) shall provide full and complete expert disclosures as
17 required by Rule 26(a)(2)(A)-(C) of the Federal Rules of Civil Procedure no later than
18 **June 5, 2009**.

19 b. The Defendant(s) shall provide full and complete expert disclosures as
20 required by Rule 26(a)(2)(A)-(C) of the Federal Rules of Civil Procedure no later than
21 **July 3, 2009**.

22 c. Rebuttal expert disclosures, if any, shall be made no later than
23 **July 31, 2009**. Rebuttal experts shall be limited to responding to opinions stated by initial
24 experts.

25 d. Expert depositions shall be completed no later than **August 28, 2009**.
26 As with fact witness depositions, expert depositions shall be scheduled to commence at least
27 five working days before the deadline.

28 e. Disclosures under Rule 26(a)(2)(A) must include the identities of

1 treating physicians and other witnesses who have not been specially employed to provide
2 expert testimony in this case, but who will provide testimony under Federal Rules of
3 Evidence 702, 703, or 705. A Rule 26(a)(2)(B) report is required for any opinion of such
4 witnesses that was not developed in the course of their treatment or other factual involvement
5 in this case.

6 f. As stated in the Advisory Committee Notes to Rule 26 (1993
7 Amendments), expert reports disclosed under Rule 26(a)(2)(B) must set forth “the testimony
8 the witness is expected to present during direct examination, together with the reasons
9 therefore.” Full and complete disclosures of such testimony are required on the dates set
10 forth above; absent truly extraordinary circumstances, parties will not be permitted to
11 supplement their expert reports after these dates.

12 5. Discovery Disputes.

13 a. The parties shall not file written discovery motions without leave of
14 Court.¹ If a discovery dispute arises, the parties promptly shall contact the Court to request
15 a telephone conference concerning the dispute. The Court will seek to resolve the dispute
16 during the telephone conference, and may enter appropriate orders on the basis of the
17 telephone conference. The Court may order written briefing if it does not resolve the dispute
18 during the telephone conference.

19 b. Parties shall not contact the Court concerning a discovery dispute
20 without first seeking to resolve the matter through personal consultation and sincere effort.
21 Any briefing ordered by the Court shall also comply with all applicable Local Rules.

22 c. Absent extraordinary circumstances, the Court will not entertain fact
23 discovery disputes after the deadline for completion of fact discovery, and will not entertain
24 expert discovery disputes after the deadline for completion of expert discovery.

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27 ¹ The prohibition on “written discovery motions” includes any written materials
28 delivered or faxed to the Court, including hand-delivered “correspondence” with
attachments.

1 6. Deadline for Filing Dispositive Motions.

2 a. Dispositive motions shall be filed no later than **September 25, 2009**.
3 Such motions must comply in all respects with the Federal Rules of Civil Procedure and the
4 Local Rules.

5 b. No party shall file more than one motion for summary judgment under
6 Rule 56 of the Federal Rules of Civil Procedure unless permission is first obtained, by joint
7 telephone call, from the Court.

8 c. Failure to respond to a motion within the time periods provided in the
9 Local Rules will be deemed a consent to the denial or granting of the motion and the Court
10 may dispose of the motion summarily.

11 d. The parties shall not notice oral argument on any motion. Instead, a
12 party desiring oral argument shall place the words "Oral Argument Requested" immediately
13 below the title of the motion. The Court will issue a Minute Entry Order scheduling oral
14 argument as it deems appropriate.

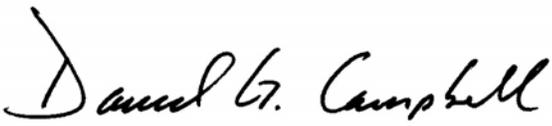
15 7 Deadline for Notice of Readiness for Pretrial Conference. The Plaintiff(s) shall
16 notify the Court that the parties are ready for scheduling of a Final Pretrial Conference
17 pursuant to Rule 16(d) of the Federal Rules of Civil Procedure. The Plaintiff(s) shall file and
18 serve this notice within **ten days** of the dispositive motion deadline if no dispositive motions
19 are pending on that date. If dispositive motions are pending, Plaintiff(s) shall file and serve
20 such notice within **ten days** after the resolution of dispositive motions. The Court will then
21 issue an Order Setting Final Pretrial Conference that (a) sets deadlines for briefing motions
22 in limine, (b) includes a form for the completion of the parties' joint proposed Final Pretrial
23 Order, and (c) otherwise instructs the parties concerning their duties in preparing for the
24 Final Pretrial Conference. A firm trial date will be set at the Final Pretrial Conference.

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8. The Deadlines Are Real. The parties are advised that the Court intends to enforce the deadlines set forth in this Order, and should plan their litigation activities accordingly.

DATED this 14th day of April, 2009.



David G. Campbell
United States District Judge