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

JUAN ESPINOZA, JAMES FOSTER)
WOMBLE, PAUL MARQUEZ, AARON)
EPPERLY and ERIC SCHMIDT,)
)
Plaintiffs,)
)
vs.)
)
COUNTY OF FRESNO,)
)
Defendant.)
_____)

1:07-cv-01145-SMS
TRIAL SETTING CONFERENCE ORDER
Defendant's Motion for De-Certification of Collective Action Filing Deadline: 9/7/12
Plaintiffs' Opposition to Defendant's Motion Filing Deadline: 10/22/12
Defendant's Reply to Plaintiffs' Opposition Filing Deadline: 11/6/12
De-Certification Hearing Date: 12/5/12, 10:30am, Ctrm. 1/**SMS**
Settlement Conference Date: 5/13/13, 10:00am, Ctrm. 6/**JLT**
Pre-Trial Conference Date: 9/11/13, 10:00am, Ctrm. 1/**SMS**
Trial Date: 11/18/13, 9:00am, Ctrm. 1/**SMS** (JT ~ 15 days)

- 1. Date of Trial Setting Conference:
July 25, 2012.

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1 2012 at 10:30 a.m. in Courtroom No. 1 on the Eighth Floor before
2 the Honorable Sandra M. Snyder, United States Magistrate Judge.
3 **NOTE:** Judge Snyder's chambers requires prompt courtesy copies of
4 all motions and related filings in excess of 25/50 pages in
5 compliance with **Local Rule 133(f)**.

6 6. Pre-Trial Conference Date:
7 September 11, 2013 at 10:00 a.m. in Courtroom No. 1 on
8 the Eighth Floor before the Sandra M. Snyder, United States
9 Magistrate Judge.

10 Ten (10) days prior to the Pretrial Conference, the
11 parties shall exchange the disclosures required pursuant to
12 F.R.Civ.P. 26(a) (3).

13 The parties are ordered to file a **JOINT Pretrial**
14 **Statement pursuant to Local Rule 281(a) (2)**. The parties are
15 further ordered to submit a digital copy of their Joint Pretrial
16 Statement in WordPerfect X3¹ format to Judge Snyder's chambers by
17 e-mail to SMSOrders@caed.uscourts.gov.

18 Counsels' attention is directed to **Rules 281 and 282 of**
19 **the Local Rules** of Practice for the Eastern District of California
20 as to the obligations of counsel in preparing for the Pre-Trial
21 Conference. **The Court will insist upon strict compliance with**
22 **those Rules.**

23 7. Trial Date:
24 November 18, 2013 at 9:00 a.m. in Courtroom No. 1 on the
25 Eighth Floor before the Honorable Sandra M. Snyder, United States
26 Magistrate Judge.

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28 ¹ If WordPerfect X3 is not available to the parties, then the latest version of WordPerfect, or any other word processing program in general use for IBM compatible personal computers, is acceptable.

1 A. This is a jury trial.

2 B. Counsels' Estimate of Trial Time:
3 15 days.

4 C. Counsels' attention is directed to **Rule 285 of the**
5 **Local Rules** of Practice for the Eastern District of California.

6 8. Settlement Conference:

7 May 13, 2013 at 10:00 a.m. in Courtroom No. 6 on the
8 Seventh Floor before the Honorable Jennifer L. Thurston, United
9 States Magistrate Judge.

10 Unless otherwise permitted in advance by Judge Thurston,
11 **the attorneys who will try the case shall personally appear** at the
12 Settlement Conference **with the parties** and the person or
13 persons having **full authority** to negotiate and settle the case **on**
14 **any terms**² at the conference.

15 Permission for a party [*not attorney*] to attend by
16 telephone may be granted by Judge Thurston upon request, by letter,
17 with a copy to the other parties, IF the party lives and works
18 outside the Eastern District of California, AND attendance in
19 person would constitute a hardship. If telephone attendance is
20 allowed, **the party must be immediately available throughout the**
21 **conference, until excused, regardless of time zone differences.**

22 Any other special arrangements desired in cases where settlement
23 authority rests with a governing body shall also be proposed, in
24 advance, by letter, and copied to all other parties.

25 ² Insurance carriers, business organizations, and governmental bodies or agencies whose settlement
26 agreements are subject to approval by legislative bodies, executive committees, boards of directors, or the
27 like, shall be represented by a person or persons who occupy high executive positions in the party
28 organization, and who will be directly involved in the process of approval of any settlement offers or
agreements. To the extent possible, the representative shall have the authority, if he or she deems it
appropriate, to settle the action on terms consistent with the opposing party's most recent demand.

1 CONFIDENTIAL SETTLEMENT CONFERENCE STATEMENT

2 NOTICE IS HEREBY GIVEN that a Confidential Settlement
3 Conference Statement is **MANDATORY**, and must be submitted to Judge
4 Thurston's chambers, **at least five (5) court days prior to the**
5 **Settlement Conference**, by e-mail to JLTOrders@caed.uscourts.gov.
6 Failure to so comply may result in the imposition of monetary
7 and/or other sanctions.

8 The Statement should **not be filed** with the Clerk's Office
9 nor **served on any other party**, although the parties may file a
10 Notice of Lodging Confidential Settlement Conference Statement.
11 Each Statement shall be clearly marked "Confidential" with the date
12 and time of the Settlement Conference indicated prominently
13 thereon. Counsel are urged to request the return of their
14 Statements if settlement is not achieved and, if such a request is
15 not made, the Court will dispose of the Statement.

16 The Confidential Settlement Conference Statement shall
17 include the following:

- 18 A. A brief statement of the facts of the case.
19 B. A brief statement of the claims and defenses, i.e.,
20 statutory or other grounds upon which the claims are founded; a
21 forthright evaluation of the parties' likelihood of prevailing on
22 the claims and defenses; and, a description of the major issues in
23 dispute.
24 C. A summary of the proceedings to date.
25 D. An estimate of the cost and time to be expended for
26 further discovery, pretrial, and trial.
27 E. The relief sought.

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1 F. The party's position on settlement, including
2 present demands and offers, and a history of past settlement
3 discussions, offers, and demands.

4 9. Request for Bifurcation, Appointment of Special Master,
5 or other Techniques to Shorten Trial:

6 The parties have previously agreed, and Judge Wanger
7 ordered (Doc. 26, page 14, XIV), that the issues of liability and
8 damages shall be bifurcated and tried on the same case in two
9 separate phases before the same jury (Doc. 165, page 12, X).

10 10. Related Matters Pending:

11 Not applicable at this time.

12 11. Compliance with Federal Procedure:

13 The Court requires compliance with the Federal Rules of
14 Civil Procedure and the Local Rules of Practice for the Eastern
15 District of California. To aid the Court in the efficient
16 administration of this case, all counsel are expected to
17 familiarize themselves with the Federal Rules of Civil Procedure
18 and the Local Rules of Practice for the Eastern District of
19 California, and to keep abreast of any amendments thereto. The
20 Court must insist upon compliance with these Rules if it is to
21 efficiently handle its increasing caseload. Sanctions will be
22 imposed for failure to follow the Rules as provided in both the
23 Fed.R.Civ.P. and the Local Rules.

24 12. Compliance with Electronic Filing Requirement:

25 On January 3, 2005, the United States District Court for
26 the Eastern District of California became an electronic case
27 management/filing district (CM/ECF). Unless excused by the Court,
28 or by Local Rule, attorneys shall file all documents electronically

1 as of January 3, 2005, in all actions pending before the court.
2 While Pro Se Litigants are exempt from this requirement, the court
3 will scan in all documents filed by pro se litigants, and the
4 official court record in all cases will be electronic. Attorneys
5 are required to file electronically in pro se cases. More
6 information regarding the Court's implementation of CM/ECF can be
7 found on the court's web site at www.caed.uscourts.gov, including
8 the Court's Local Rules, the CM/ECF Final Procedures, and the
9 CM/ECF User's Manual.

10 While the Clerk's Office will not refuse to file a
11 proffered paper document, the Clerk's Office will scan it and, if
12 improperly filed, notify the Court that the document was filed in
13 an improper format. An order to show cause (OSC) may be issued in
14 appropriate cases regarding an attorney's disregard for the
15 requirement to utilize electronic filing, or other violations of
16 these electronic filing procedures. See L.R. 110, L.R. 133(d)(3).

17 All counsel must be registered for CM/ECF. On-line
18 registration is available at www.caed.uscourts.gov. Once
19 registered, counsel will receive a login and password in
20 approximately one (1) week. Counsel must be registered to file
21 documents on-line. See L.R. 135(g). Counsel are responsible for
22 knowing the rules governing electronic filing in the Eastern
23 District. Please review the Court's Local Rules available on the
24 Court's web site.

25 13. Effect of this Order:

26 The foregoing Order represents the best estimate of the
27 Court and counsel as to the agenda most suitable to bring this case
28 to resolution. The trial date reserved is specifically reserved

1 for this case. If the parties determine at any time that the
2 schedule outlined in this Order cannot be met, counsel are ORDERED
3 to notify the Court *immediately* so that adjustments may be made,
4 either by stipulation or by subsequent status conference.

5 Stipulations extending the deadlines contained herein
6 will not be considered unless accompanied by affidavits or
7 declarations and, where appropriate, attached exhibits which
8 establish good cause for granting the relief requested.

9 **THEREFORE, FAILURE TO COMPLY WITH THIS ORDER SHALL RESULT**
10 **IN THE IMPOSITION OF SANCTIONS.**

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12 IT IS SO ORDERED.

13 **Dated:** August 17, 2012

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE

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