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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANTHONY SLAMA,

Plaintiff,

v.

CITY OF MADERA, MADERA POLICE
DEPT., OFFICER CHAVEZ, OFFICER
SHEKIANIAN,

Defendants.

) 1: 08-cv-00810 AWI GSA

) SCHEDULING ORDER (Fed.R.Civ.P 16)

) Discovery Deadlines:

) Initial Disclosures: March 16, 2009

) Non-Expert: October 29, 2009

) Expert Disclosure: November 27, 2009

) Supp.Expert Discl: December 11, 2009

) Expert Discovery: January 15, 2010

) Motion Deadlines:

) Non-Dispositive: February 5, 2010

) Dispositive: March 5, 2010

) Pre-Trial Conference:

) May 7, 2010 at 8:30 a.m.

) Courtroom 2 (AWI), 8th Floor

) Trial: July 13, 2010 at 8:30 a.m.

) Courtroom 2 (AWI), 8th Floor

) 5 Day Jury Trial

) Settlement Conference:

) November 24, 2009 at 10:30 a.m.

) Courtroom 10 (GSA), 6th Floor

I. Date of Scheduling Conference

April 2, 2009.

1 12. That the officers lacked reasonable suspicion or probable cause;

2 13. That the City of Madera had a custom or policy which violated Plaintiff's
3 civil rights;

4 14. That Defendants have a policy or custom of refusing or failing to
5 reprimand officers or allowing violations of individuals civil rights.

6 15. That Plaintiff suffered physical and emotional injuries.

7 **V. Summary of Undisputed and Disputed Legal Issues**

8 **A. Undisputed Legal Issues by Defendants**

9 1. Jurisdiction exists under 28 U.S.C. §1331, 42 U.S.C. §1983.

10 2. Venue is proper under 28 U.S.C. §1391.

11 3. To the extent that local standards of conduct govern evaluation of the
12 issues of the case, the Defendants agree that the substantive law of the State of California applies.

13 **B. Disputed Legal Issues by Defendants**

14 1. That the officers lacked probable cause;

15 2. That Plaintiff's Fourth Amendment constitutional rights were violated;

16 3. That Defendants acted without reasonable or probable cause;

17 4. That Defendants violated Plaintiff's civil rights by using excessive force in
18 detaining and/or arresting Plaintiff;

19 5. That Defendants' deprived Plaintiff of his civil rights as a result of a
20 failure to train its officers.

21 6. That the City of Madera's officer training program was inadequate;

22 7. That any custom or policy of the City of Madera Police Department exists
23 that would or did deprive Plaintiff of his constitutional rights.

24 8. Generally, all other pertinent legal issues regarding liability and damages
25 are contested.

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1 In scheduling such motions, the Magistrate Judge may grant applications for an
2 order shortening time pursuant to Local Rule 6-142(d). However, if a party does not obtain an
3 order shortening time, the notice of motion *must* comply with Local Rule 37-251.

4 Counsel or pro se parties may appear and argue non-dispositive motions by
5 telephone, providing a written request to so appear is made to the Magistrate Judge's Courtroom
6 Clerk no later than five (5) court days before the noticed hearing date. In the event that more
7 than one party requests to appear by telephone then it shall be the obligation of the moving
8 part(ies) to arrange and originate a conference call to the court.

9 All Dispositive Pre-Trial Motions shall be filed no later than **March 5, 2010**, and
10 heard in Courtroom 2 before the Honorable Anthony W. Ishii, United States District Court Judge.
11 In scheduling such motions, the parties shall comply with **Local Rules 78-230 and 56-260**.

12 **IX. Pre-Trial Conference Date**

13 The pre-trial conference will be held on **May 7, 2010, at 8:30 a.m.** in Courtroom
14 2 before the Honorable Anthony W. Ishii. The parties are ordered to file a **Joint Pretrial**
15 **Statement pursuant to Local Rule 16-281(a)(2)**. The parties are further directed to submit a
16 digital copy of their pretrial statement in Word Perfect X3² format, directly to Judge Ishii's
17 chambers by email at awiorders@caed.uscourts.gov. The parties' attention is directed to **Rules**
18 **16-281 and 16-282 of the Local Rules** of Practice for the Eastern District of California, as to the
19 obligations of counsel in preparing for the pre-trial conference. The Court will insist upon strict
20 compliance with those rules.

21 **X. Trial Date**

22 The trial will be held on **July 13, 2010, at 8:30 a.m.** in Courtroom 2 before the
23 Honorable Anthony W. Ishii, United States District Court Judge.

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26 ² If WordPerfect X3 is not available to the parties then the latest version of WordPerfect
27 or any other word processing program in general use for IBM compatible personal computers is
28 acceptable.

1 A. This is a jury trial.

2 B. Parties' Estimate of Trial Time: 5 days.

3 The parties' attention is directed to Local Rules of Practice for the Eastern District
4 of California, Rule 16-285.

5 **XI. Settlement Conference**

6 A Settlement Conference is scheduled for **November 24, 2009, at 10:30 a.m.** in
7 Courtroom 10 before the Honorable Gary S. Austin, United States Magistrate Judge. Unless
8 otherwise permitted in advance by the Court, **the attorneys who will try the case** shall appear at
9 the Settlement Conference **with the parties** and the person or persons having **full authority** to
10 negotiate and settle the case **on any terms**³ at the conference.

11 **CONFIDENTIAL SETTLEMENT CONFERENCE STATEMENT**

12 At least five (5) court days prior to the Settlement Conference the parties shall
13 submit, directly to Judge Austin's chambers by e-mail to gsaorders@caed.uscourts.gov, a
14 Confidential Settlement Conference Statement. The statement **should not be filed** with the
15 Clerk of the Court **nor served on any other party**, although the parties may file a Notice of
16 Lodging of Settlement Conference Statement Each statement shall be clearly marked
17 "confidential" with the date and time of the Settlement Conference indicated prominently
18 thereon.

19 The Confidential Settlement Conference Statement shall include the following:

20 A. A brief statement of the facts of the case.

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23 ³ Insurance carriers, business organizations, and governmental bodies or agencies whose
24 settlement agreements are subject to approval by legislative bodies, executive committees, boards
25 of directors or the like shall be represented by a person or persons who occupy high executive
26 positions in the party organization and who will be directly involved in the process of approval of
27 any settlement offers or agreements. To the extent possible the representative shall have the
28 authority, if he or she deems it appropriate, to settle the action on terms consistent with the
opposing party's most recent demand.

1 B. A brief statement of the claims and defenses, i.e., statutory or other
2 grounds upon which the claims are founded; a forthright evaluation of the parties' likelihood of
3 prevailing on the claims and defenses; and a description of the major issues in dispute.

4 C. A summary of the proceedings to date.

5 D. An estimate of the cost and time to be expended for further discovery,
6 pretrial and trial.

7 E. The relief sought.

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

10 Should the parties desire a settlement conference, they will jointly request one of
11 the court, and one will be arranged. In making such request, the parties are directed to notify the
12 court as to whether or not they desire the undersigned to conduct the settlement conference or to
13 arrange for one before another judicial officer.

14 **XII. Request for Bifurcation, Appointment of Special Master, or other**
15 **Techniques to Shorten Trial**

16 The parties have not requested bifurcation.

17 **XIII. Related Matters Pending**

18 The parties have indicated there are no related matters.

19 **XIV. Compliance with Federal Procedure**

20 All counsel are expected to familiarize themselves with the Federal Rules of Civil
21 Procedure and the Local Rules of Practice of the Eastern District of California, and to keep
22 abreast of any amendments thereto. The Court must insist upon compliance with these Rules if it
23 is to efficiently handle its increasing case load and sanctions will be imposed for failure to follow
24 the Rules as provided in both the Federal Rules of Civil Procedure and the Local Rules of
25 Practice for the Eastern District of California.

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