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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RANDY'S TRUCKING, INC., et al.)	1: 08 CV 00819 DLB
	)	SCHEDULING ORDER (Fed. R. Civ. P. 16)
Plaintiff(s),	)	Discovery Deadlines:
v.	)	Initial Disclosures: February 18, 2009
	)	Non Expert: February 12, 2010
	)	Expert: March 31, 2010
CITY OF SHAFTER, et. al.,	)	Non-Dispositive Motion Deadlines:
	)	Filing: March 31, 2010
Defendant(s).	)	Hearing: April 23, 2010
	)	Dispositive Motion Deadlines:
	)	Filing: February 23, 2010
	)	Hearing: March 26, 2010
	)	Pre-Trial Conference:
	)	April 30, 2010 at 1:30 p.m.
	)	Courtroom 9
	)	Trial: June 8, 2010 at 9:00 a.m.
	)	Courtroom 9 JT 10 days

I. Date of Scheduling Conference

January 28, 2009.

II. Appearances of Counsel

Michael D. Ott appeared on behalf of Randy's Trucking and Star Insurance Company and Fernando Manguia Sandoval.

Jason B. Shane appeared on behalf of National Railroad Passenger Corporation

1 and BNSF Railway Company.

2 Paul A. Auchard appeared on behalf BNSF Railway Company.

3 Mark L. Nations appeared on behalf of County of Kern.

4 **III. Consent to the Magistrate Judge**

5 Pursuant to 28 U.S.C. §636(c) the parties have all consented to conduct of any and
6 all further proceedings in this case, including trial, before the Honorable Dennis L. Beck, U.S.
7 Magistrate Judge. If one is not already on file, they shall file a written stipulation and consent
8 within 15 days of this order.

9 **IV. Discovery Plan and Cut-Off Date**

10 The parties are ordered to exchange the initial disclosures required by Fed. R. Civ.
11 P. 26(a)(1) on or before February 18, 2009.

12 The parties are ordered to complete all discovery pertaining to non-experts on or
13 before February 12, 2010 and all discovery pertaining to experts on or before March 31, 2010.

14 The parties are directed to disclose all expert witnesses, in writing, on or before
15 February 12, 2010, and to disclose all supplemental experts on or before March 11, 2010. The
16 written designation of experts shall **be made pursuant to Fed. R. Civ. P. Rule 26(a)(2), (A)**
17 **and (B) and shall include all information required thereunder.** Failure to designate experts
18 in compliance with this order may result in the Court excluding the testimony or other evidence
19 offered through such experts that are not disclosed pursuant to this order.

20 **V. Pre-Trial Motion Schedule**

21 All Non-Dispositive Pre-Trial Motions, including any discovery motions, shall be
22 filed no later than March 31, 2010 and heard on or before April 23, 2010. Non-dispositive
23 motions are heard on Fridays at 9:00 a.m., before the Honorable Dennis L. Beck, United States
24 Magistrate Judge in Courtroom 9. **Counsel must comply with Local Rule 37-251 with respect**
25 **to discovery disputes or the motion will be denied without prejudice and dropped from**
26 **calendar.**

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 counsel does not obtain an
3 order shortening time, the notice of motion *must* comply with Local Rule 37-251.

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

9 All Dispositive Pre-Trial Motions shall be filed no later than February 23, 2010
10 and heard no later than March 26, 2010, in Courtroom 9 before the Honorable Dennis L. Beck,
11 United States Magistrate Judge. In scheduling such motions, counsel shall comply with **Local**
12 **Rules 78-230 and 56-260.**

13 **Motions for Summary Judgment or Summary Adjudication**

14 Prior to filing a motion for summary judgment or motion for summary
15 adjudication the parties are ORDERED to meet, in person or by telephone, and confer to discuss
16 the issues to be raised in the motion.

17 The purpose of the meeting shall be to: 1) avoid filing motions for summary
18 judgment where a question of fact exists; 2) determine whether the respondent agrees that the
19 motion has merit in whole or in part; 3) discuss whether issues can be resolved without the
20 necessity of briefing; 4) narrow the issues for review by the court; 5) explore the possibility of
21 settlement before the parties incur the expense of briefing a summary judgment motion; 6) to
22 arrive at a joint statement of undisputed facts.

23 The moving party shall initiate the meeting and provide a draft of the joint
24 statement of undisputed facts. In addition to the requirements of Local Rule 56- 260 the moving
25 party shall file a joint statement of undisputed facts.

26 In the notice of motion the moving party shall certify that the parties have met and
27

1 conferred as ordered above or set forth a statement of good cause for the failure to meet and
2 confer.

3 **VI. Pre-Trial Conference Date**

4 April 30, 2010 at 1:30 p.m. in Courtroom 9 before Magistrate Judge Beck.

5 The parties are ordered to file a **Joint Pretrial Statement pursuant to Local**
6 **Rule 16-281(a)(2)**. The parties are further directed to submit a digital copy of their pretrial
7 statement in Word Perfect X3¹ format, directly to Judge Beck's chambers by emailing it to
8 DLBOrders@caed.uscourts.gov.

9 Counsels' attention is directed to **Rules 16-281 and 16-282 of the Local Rules** of
10 Practice for the Eastern District of California, as to the obligations of counsel in preparing for the
11 pre-trial conference. The Court will insist upon strict compliance with those rules.

12 **VII. Trial Date**

13 June 8, 2010 at 9:00 a.m. in Courtroom 9 before the Honorable Dennis L. Beck,
14 United States Magistrate Judge.

15 A. This is a jury trial.

16 B. Counsels' Estimate of Trial Time: 10 days.

17 C. Counsel's attention is directed to Local Rules of Practice for the Eastern
18 District of California, Rule 16-285.

19 **VIII. Settlement Conference**

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

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26 ¹ 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.

