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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MANSOOR AHMED SOUSSI

Plaintiff(s),

v.

MICHAEL CHERTOFF, et al.,

Defendant.

)  
)  
) 1: 08 CV 01235 LJO DLB  
) SCHEDULING ORDER (Fed.R.Civ.P 16)  
)  
) Discovery Deadlines:  
) Initial Disclosures: January 30, 2009  
) Non Expert: May 15, 2009  
) Expert: June 12, 2009  
)  
) Non-Dispositive Motion Deadlines:  
) Filing: June 10, 2009  
) Hearing: July 2, 2009  
)  
) Pre-Trial Conference:  
) July 8, 2009 at 8:30 a.m.  
) Courtroom 4  
)  
) Trial: August 24, 2009 at 9:00 a.m.  
) Courtroom 4 CT one day

**I. Date of Scheduling Conference**

January 15, 2009.

**II. Appearances of Counsel**

James W. Makasian appeared on behalf of Plaintiff.

Christopher W. Dempsey appeared on behalf of Defendant.

**III. Discovery Plan and Cut-Off Date**

The parties are ordered to exchange the initial disclosures required by Fed .R. Civ.

1 P. 26(a)(1) on or before January 30, 2009.

2 The parties are ordered to complete all discovery pertaining to non-experts on or  
3 before May 15, 2009 and all discovery pertaining to experts on or before June 12, 2009.

4 The parties are directed to disclose all expert witnesses, in writing, on or before  
5 May 15, 2009. The written designation of experts shall **be made pursuant to Fed. R. Civ. P.  
6 Rule 26(a)(2), (A) and (B) and shall include all information required thereunder.** Failure to  
7 designate experts in compliance with this order may result in the Court excluding the testimony  
8 or other evidence offered through such experts that are not disclosed pursuant to this order.

9 The provisions of Fed. R. Civ. P. 26(b)(4) and (5) shall apply to all discovery  
10 relating to experts and their opinions. Experts must be fully prepared to be examined on all  
11 subjects and opinions included in the designation. Failure to comply will result in the imposition  
12 of sanctions, which may include striking the expert designation and preclusion of expert  
13 testimony.

14 **IV. Pre-Trial Motion Schedule**

15 All Non-Dispositive Pre-Trial Motions, including any discovery motions, shall be  
16 filed no later than June 10, 2009 and heard on or before July 2, 2009. Non-dispositive motions  
17 are heard on Fridays at 9:00 a.m., before the Honorable Dennis L. Beck, United States Magistrate  
18 Judge in Courtroom 9. **Counsel must comply with Local Rule 37-251 with respect to  
19 discovery disputes or the motion will be denied without prejudice and dropped from  
20 calendar.**

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

24 Counsel may appear and argue non-dispositive motions by telephone, providing a  
25 written request to so appear is made to the Magistrate Judge's Courtroom Clerk no later than five  
26 (5) court days before the noticed hearing date. In the event that more than one attorney requests  
27

1 to appear by telephone then it shall be the obligation of the moving part(ies) to arrange and  
2 originate a conference call to the court.

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

4 July 8, 2009 at 8:30 a.m. in Courtroom 4 before Judge O'Neill.

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 X3<sup>1</sup> format, directly to Judge O'Neill's chambers by email at  
8 LJOOrders@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 **VI. Trial Date**

13 August 24, 2009 at 9:00 a.m. in Courtroom 4 before the Honorable Lawrence J.  
14 O'Neill, United States District Court Judge.

15 A. This is a court trial.

16 B. Counsels' Estimate of Trial Time: one day.

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

19 **VII. Request for Bifurcation, Appointment of Special Master, or other**  
20 **Techniques to Shorten Trial**

21 Not applicable at this time.

22 **VIII. Related Matters Pending**

23 There are no pending related matters.

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26 <sup>1</sup> 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.

