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

SABAS ARREDONDO ET. AL.

Plaintiff,

v.

DELANO FARMS COMPANY ET. AL,

Defendant.

1:09-CV-1247 MJS

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

Plaintiff's Survey Completion Deadline:
September 25, 2015

Expert Disclosure Deadlines:
Plaintiff: November 24, 2015
Defendants: January 15, 2016

Discovery Deadline: March 1, 2016

Trial Plan Deadlines:
Filing by Plaintiffs: November 24, 2015
Response by Defendants:
January 15, 2016
Reply by Plaintiffs: February 12, 2016
Hearing: March 11, 2016, at 9:30 AM
Fresno Courtroom 6 (MJS)

Continued Trial Scheduling Conference:
June 16, 2016 at 11:00 AM
Fresno Courtroom 6 (MJS)

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I. Date of Scheduling Conference

The Scheduling Conference was held on June 26, 2015 at 11:00 AM.

II. Appearances of Counsel

Tom Lynch and Anna K. Walther appeared on behalf of Plaintiffs.

David Bruce, Miles Yanick, and William Haesy appeared on behalf of Defendants Delano Farms Company. D. Greg Durbin and Sarah Bigelow, appeared on behalf of Defendants Cal-Pacific Farm Management, L.P. and T&R Bangi’s Agricultural Services, Inc.

III. Pleading Amendment Deadline

Plaintiffs have filed a motion to amend the Complaint. The motion is scheduled for hearing August 7, 2015. The schedule adopted here was determined without consideration of the effect of the ruling on the motion to amend.

IV. Plaintiffs’ Trial Plan

The parties agreed, and the Court determined, that Plaintiffs would have until September 25, 2015, to complete their survey of certain of Defendants’ former field worker as necessary to Plaintiffs’ determination of a proposed plan for trying issues of liability and damages in this case (Plaintiffs’ proposed “Trial Plan”).

Plaintiffs shall file and serve their proposed Trial Plan on or before November 24, 2015. Defendants shall have until January 15, 2016, to file and serve written responses to Plaintiff’s proposed Trial Plan, and then Plaintiffs shall have until February 12, 2016, to file and serve a reply to Defendants’ responses. A hearing on Plaintiff’s Proposed Trial Plan shall be held March 11, 2016 at 9:30 AM, in Courtroom 6, before the Honorable Michael J. Seng, United States Magistrate Judge.¹

¹ The parties had proposed a hearing be held on Plaintiffs’ Proposed Trial Plan in mid-March, (continued...)

1 **V. Expert Disclosure.**

2 Plaintiffs shall disclose their expert witnesses, in writing, on or before
3 November 24, 2015. Defendants shall then disclose their expert witnesses, in writing, on
4 or before January 15, 2016. The written designation of experts shall be made pursuant
5 to Fed. R. Civ. P. Rule 26 (a)(2) (A) and (B) and shall include all information required
6 thereunder. Failure to designate experts in compliance with this Order may result in the
7 Court excluding the testimony or other evidence offered through experts who are not
8 disclosed in accordance with the terms of this order.

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10 **VI. Discovery Deadline**

11 Discovery in accordance with the Federal Rules of Civil Procedure may
12 continue until March 1, 2016, but not thereafter except on order of the Court or
13 stipulation of all parties.

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15 **VII. Discovery Motions**

16 No written discovery motion may be noticed or set for hearing before Magistrate
17 Judge Michael J. Seng without his prior approval.

18 A party with a discovery dispute shall confer with opposing counsel in a
19 good faith effort to resolve the dispute without court action. If such effort fails, the
20 moving party shall, prior to filing a notice of motion, contact Courtroom Deputy Laurie Yu
21 at lyu@caed.uscourts.gov to request a pre-motion Telephonic Discovery Dispute
22 Conference (TDDC) with the Magistrate Judge. The request shall be deemed to include
23 a professional representation by the requesting lawyer that a good faith effort to resolve
24 the dispute took place but failed, and it shall advise the Court of dates and times in the

25 _____
26 (...continued)

27 2016. During the Scheduling Conference the Court stated an intent to hold that hearing May 6, 2016. On
28 reflection, it appears the March date can be accommodated and is preferable in that it avoids a potential
scheduling conflict on the part of one defense counsel. Any party adversely affected by this change shall
notify the Court immediately.

1 next ten day period when all concerned parties will be available to confer regarding the
2 dispute. The Court will issue a Minute Order advising counsel of the time and date of the
3 telephone conference. No recording of the conference shall take place except with prior
4 permission of the Court.

5 Not later than four business hours before the scheduled conference, each
6 party may submit a **two page** brief **objectively and factually** outlining the dispute, the
7 party's position on it, and the reasons therefore to mjsorders@caed.uscourts.gov The
8 one page shall be in at least twelve point type and include the above-described
9 information, the name of the party and the date of submission. It shall contain nothing
10 more. There shall be no attachments. There shall be no editorializing. Inclusion therein
11 of adjectives or adverbs or any characterization of an opponent's motives, methods,
12 character, past practices, or the like shall subject the author to sanctions.

13 If the Magistrate Judge decides that motion papers and supporting
14 memoranda are needed to satisfactorily resolve the dispute, he shall approve the filing of
15 a written motion in conformity with Local Rule 251 (a). (The provisions of Local Rule 251
16 (b) through (f) will not apply unless the Magistrate Judge so orders.) Such motion shall,
17 without limitation, (1) quote in full each interrogatory, deposition question, request for
18 admission, or request for production in dispute and (2) the response or objection and
19 grounds therefore as stated by the opposing party.

20 Unless otherwise ordered by the Court, deposition transcripts or discovery papers
21 shall not be lodged or filed with the Court.

22 Unless otherwise hereinafter requested by the Court after a document has been
23 filed with the Court, **no party shall provide an extra courtesy copy of any document**
24 to the Court regardless of the size or volume of the document.

25 26 **VIII. Continued Trial Scheduling Conference**

27 A continued Trial scheduling Conference shall be held at 11:00 a.m., June 16,
28 2016, in Courtroom 6, Fresno, before Magistrate Judge Michael J. Seng. A Joint

1 Scheduling Conference Report carefully prepared and executed by all counsel, shall be
2 electronically filed in CM/ECF, in full compliance with the requirements set forth in the
3 previously served ORDER SETTING MANDATORY SCHEDULING CONFERENCE, at
4 least one (1) full week prior to the Scheduling Conference, and shall be emailed, in Word
5 format, to mjsorders@caed.uscourts.gov.

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7 IT IS SO ORDERED.

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Dated: June 30, 2015

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE

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