

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LINDA KASPERIAN

Plaintiff(s),

v.

SEARS, ROEBUCK AND CO., et al.,

Defendant.

) 1: 09 CV 01802 LJO DLB

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

) Discovery Deadlines:
) Non Expert: June 13, 2010
) Expert: October 15, 2010

) Non-Dispositive Motion Deadlines:
) Filing: November 17, 2010
) Hearing: December 17, 2010

) Dispositive Motion Deadlines:
) Filing: November 19, 2010
) Hearing: December 21, 2010

) Settlement Conference:
) September 29, 2011 at 10:00 a.m.
) Courtroom 9

) Pre-Trial Conference:
) January 26, 2011 at 8:30 a.m.
) Courtroom 4

) Trial: March 14, 2011 at 8:30 a.m.
) Courtroom 4 JT 10 days

1. Date of Scheduling Conference

December 21, 2009.

2. Appearances of Counsel

Daniel L. Mitchell appeared on behalf of Plaintiff.

Sotera L. Anderson appeared on behalf of Defendant.

1 order shortening time, the notice of motion *must* comply with Local Rule 37-251.

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

7 All Dispositive Pre-Trial Motions shall be filed no later than November 19, 2010
8 and heard no later than December 21, 2010, in Courtroom 4 before the Honorable Lawrence J.
9 O'Neill, United States District Court Judge. In scheduling such motions, counsel shall comply
10 with **Local Rules 78-230 and 56-260**.

11 **Motions for Summary Judgment or Summary Adjudication**

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

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

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

24 In the notice of motion the moving party shall certify that the parties have met and
25 conferred as ordered above or set forth a statement of good cause for the failure to meet and
26 confer.

1 CONFIDENTIAL SETTLEMENT CONFERENCE STATEMENT

2 At least five (5) court days prior to the Settlement Conference the parties shall
3 submit, directly to Judge Beck's chambers by e-mail to DLBOrders@caed.uscourts.gov, a
4 Confidential Settlement Conference Statement. The statement **should not be filed** with the
5 Clerk of the Court **nor served on any other party**, although the parties may file a Notice of
6 Lodging of Settlement Conference Statement. Each statement shall be clearly marked
7 "confidential" with the date and time of the Settlement Conference indicated prominently
8 thereon.

9 The Confidential Settlement Conference Statement shall include the following:

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

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

14 C. A summary of the proceedings to date.

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

17 E. The relief sought.

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

20 **8. Request for Bifurcation, Appointment of Special Master, or other**

21 **Techniques to Shorten Trial**

22 Not applicable at this time.

23
24 _____
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.

