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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

1 CARRIE HAWECKER and MICHELLE )  
2 BROUSSARD, individually and on )  
3 behalf of a class of similarly )  
4 situated persons, )

5 Plaintiffs, )

6 v. )

7 RAWLAND LEON SORENSEN, )

8 Defendant. )

1:10-cv-0085 OWW DLB  
SCHEDULING CONFERENCE ORDER

Motion for Class  
Certification Filing  
Deadline: 9/13/10

Opposition Thereto Filing  
Deadline: 9/27/10

Reply Thereto Filing  
Deadline: 10/4/10

Motion for Class  
Certification Hearing Date:  
10/18/10 10:00 Ctrm. 3

Discovery Cut-Off: 12/3/10

Non-Dispositive Motion  
Filing Deadline: 12/17/10

Non-Dispositive Motion  
Hearing Date: 1/21/11 9:00  
Ctrm. 9

Dispositive Motion Filing  
Deadline: 1/7/11

Dispositive Motion Hearing  
Date: 2/7/11 10:00 Ctrm. 3

Settlement Conference Date:  
12/8/10 10:00 Ctrm. 9

Pre-Trial Conference Date:  
3/14/11 11:00 Ctrm. 3

Trial Date: 4/19/11 9:00  
Ctrm. 3 (JT-6 days)

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23 I. Date of Scheduling Conference.

24 May 12, 2010.

25 II. Appearances Of Counsel.

26 Brancart & Brancart by Elizabeth Brancart, Esq., appeared on  
27 behalf of Plaintiffs.

28 Swanson O'Dell by Jeremy D. Swanson, Esq., appeared on

1 behalf of Defendant.

2 III. Summary of Pleadings.

3 1. This is a fair housing case alleging a pattern or  
4 practice of sexual harassment by Defendant. Plaintiffs, two  
5 former female tenants of Defendant landlord, seek monetary,  
6 declaratory and injunctive relief against Defendant for  
7 discrimination and harassment based on sex in violation of the  
8 federal Fair Housing Act, 42 U.S.C. § 3601, et seq., and related  
9 state laws. Plaintiffs also seek certification of a class for  
10 injunctive relief only. Defendant denies all material  
11 allegations. Defendant also alleges that Plaintiffs were  
12 delinquent in their rent payments and have brought the  
13 allegations of the complaint to avoid eviction.

14 IV. Orders Re Amendments To Pleadings.

15 1. Plaintiffs reserve the right to amend the complaint  
16 once the first round of discovery is completed in order to  
17 determine whether additional parties or claims need to be added.

18 V. Factual Summary.

19 A. Admitted Facts Which Are Deemed Proven Without Further  
20 Proceedings.

21 1. Plaintiff Carrie Hawecker rented a dwelling in  
22 Bakersfield from Defendant Rawland Sorensen.

23 2. Plaintiff Michelle Broussard rented a dwelling in  
24 Bakersfield from Defendant Rawland Sorensen.

25 3. Defendant Rawland Sorensen is an individual  
26 resident of the County of Kern, State and Eastern District of  
27 California.

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1           B.     Contested Facts.

2           1.     Whether Defendant Rawland Sorensen engaged in  
3     unwelcome sexual advances, requests for sexual favors or other  
4     verbal or physical conduct of a sexual nature such that the  
5     conduct had the effect of creating an environment which a  
6     reasonable person in the same position would consider  
7     intimidating, hostile, offensive, or otherwise making the tenancy  
8     significantly less desirable, in connection with the rental of a  
9     dwelling or the provision of benefits or services in connection  
10    therewith.

11          2.     Whether Defendant Rawland Sorensen engaged in  
12    unwelcome sexual advances, requests for sexual favors, and other  
13    verbal or physical conduct of a sexual nature such that  
14    submission to the conduct, either explicitly or implicitly, was  
15    made a term or condition relating to the rental of a dwelling or  
16    the provision of benefits or services in connection therewith.

17          3.     Whether Plaintiffs were delinquent in their rent  
18    payments and have brought the allegations of the complaint to  
19    avoid eviction.

20    VI.   Legal Issues.

21          A.     Uncontested.

22          1.     Jurisdiction exists under 28 U.S.C. § 1331 and 42  
23    U.S.C. § 3601, et seq. Jurisdiction is also invoked under 28  
24    U.S.C. § 1367.

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

26          3.     The parties agree that the substantive law of the  
27    State of California provides the rule of decision for  
28    supplemental claims.

1 B. Contested.

2 1. Whether Defendant has injured Plaintiffs by  
3 committing discriminatory housing practices in violation of the  
4 federal Fair Housing Act, 42 U.S.C. § 3601, et seq.

5 2. Whether Defendant has injured Plaintiffs by  
6 committing discriminatory housing practices in violation of the  
7 California Fair Employment and Housing Act, Govt. Code § 12955 et  
8 seq.

9 3. Whether Defendant injured the individual  
10 Plaintiffs in violation of the Unruh Civil Rights Act, California  
11 Civil Code § 51 et seq., by discriminating based on gender in the  
12 operation of his rental properties.

13 4. Whether, in acting as alleged in the complaint,  
14 Defendant injured Plaintiffs by engaging in a pattern or practice  
15 of unlawful conduct in the operation of his rental properties in  
16 violation of the California Business and Professions Code  
17 § 17200.

18 5. Whether Defendant injured Plaintiffs by  
19 constructively or wrongfully evicting them from the use and  
20 enjoyment of the full premises, including invading their private  
21 rights of occupancy.

22 6. Whether Plaintiffs are entitled to compensatory  
23 and punitive damages.

24 7. Whether Plaintiffs are entitled to injunctive and  
25 declaratory relief.

26 8. Whether a class should be certified under Rule  
27 23(b) (2) for injunctive relief only.

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1 VII. Consent to Magistrate Judge Jurisdiction.

2 1. The parties have not consented to transfer the  
3 case to the Magistrate Judge for all purposes, including trial.

4 VIII. Corporate Identification Statement.

5 1. Any nongovernmental corporate party to any action in  
6 this court shall file a statement identifying all its parent  
7 corporations and listing any entity that owns 10% or more of the  
8 party's equity securities. A party shall file the statement with  
9 its initial pleading filed in this court and shall supplement the  
10 statement within a reasonable time of any change in the  
11 information.

12 IX. Discovery Plan and Cut-Off Date.

13 1. The parties will first exchange interrogatories and  
14 document requests.

15 2. Following receipt of response to written discovery, the  
16 parties will conduct the depositions of each party, and certain  
17 third-party witnesses.

18 3. The parties have made their initial disclosures  
19 pursuant to Rule 26.

20 4. The filing of the Motion for Class Certification shall  
21 be September 13, 2010. The opposition to the Motion for Class  
22 Certification shall be filed on or before September 27, 2010.  
23 The reply shall be filed on or before October 4, 2010. The  
24 hearing on same shall be held October 18, 2010, at 10:00 a.m. in  
25 Courtroom 3.

26 5. The parties are ordered to complete all discovery on or  
27 before December 3, 2010.

28 6. The parties are directed to disclose all expert

1 witnesses, in writing, on or before September 24, 2010. Any  
2 rebuttal or supplemental expert disclosures will be made on or  
3 before October 29, 2010. The parties will comply with the  
4 provisions of Federal Rule of Civil Procedure 26(a)(2) regarding  
5 their expert designations. Local Rule 16-240(a) notwithstanding,  
6 the written designation of experts shall be made pursuant to F.  
7 R. Civ. P. Rule 26(a)(2), (A) and (B) and shall include all  
8 information required thereunder. Failure to designate experts in  
9 compliance with this order may result in the Court excluding the  
10 testimony or other evidence offered through such experts that are  
11 not disclosed pursuant to this order.

12 7. The provisions of F. R. Civ. P. 26(b)(4) shall  
13 apply to all discovery relating to experts and their opinions.  
14 Experts may be fully prepared to be examined on all subjects and  
15 opinions included in the designation. Failure to comply will  
16 result in the imposition of sanctions.

17 8. The parties have agreed that all financial and personal  
18 information disclosed in discovery shall be treated as  
19 confidential information and subject to a protective order. The  
20 parties are discussing the terms of a proposed protective order,  
21 which they will lodge with the Court before the Scheduling  
22 Conference.

23 X. Pre-Trial Motion Schedule.

24 1. All Non-Dispositive Pre-Trial Motions, including any  
25 discovery motions, will be filed on or before December 17, 2010,  
26 and heard on January 21, 2011, at 9:00 a.m. before Magistrate  
27 Judge Dennis L. Beck in Courtroom 9.

28 2. In scheduling such motions, the Magistrate

1 Judge may grant applications for an order shortening time  
2 pursuant to Local Rule 142(d). However, if counsel does not  
3 obtain an order shortening time, the notice of motion must comply  
4 with Local Rule 251.

5 3. All Dispositive Pre-Trial Motions are to be  
6 filed no later than January 7, 2011, and will be heard on  
7 February 7, 2011, at 10:00 a.m. before the Honorable Oliver W.  
8 Wanger, United States District Judge, in Courtroom 3, 7th Floor.  
9 In scheduling such motions, counsel shall comply with Local Rule  
10 230.

11 XI. Pre-Trial Conference Date.

12 1. March 14, 2011, at 11:00 a.m. in Courtroom 3, 7th  
13 Floor, before the Honorable Oliver W. Wanger, United States  
14 District Judge.

15 2. The parties are ordered to file a Joint Pre-  
16 Trial Statement pursuant to Local Rule 281(a)(2).

17 3. Counsel's attention is directed to Rules 281  
18 and 282 of the Local Rules of Practice for the Eastern District  
19 of California, as to the obligations of counsel in preparing for  
20 the pre-trial conference. The Court will insist upon strict  
21 compliance with those rules.

22 XII. Motions - Hard Copy.

23 1. The parties shall submit one (1) courtesy paper copy to  
24 the Court of any motions filed. Exhibits shall be marked with  
25 protruding numbered or lettered tabs so that the Court can easily  
26 identify such exhibits.

27 XIII. Trial Date.

28 1. April 19, 2011, at the hour of 9:00 a.m. in Courtroom

1 3, 7th Floor, before the Honorable Oliver W. Wanger, United  
2 States District Judge.

3 2. This is a jury trial.

4 3. Counsels' Estimate Of Trial Time:

5 a. Four to six days.

6 4. Counsels' attention is directed to Local Rules  
7 of Practice for the Eastern District of California, Rule 285.

8 XIV. Settlement Conference.

9 1. A Settlement Conference is scheduled for December 8,  
10 2010, at 10:00 a.m. in Courtroom 9 before the Honorable Dennis L.  
11 Beck, United States Magistrate Judge.

12 2. Unless otherwise permitted in advance by the  
13 Court, the attorneys who will try the case shall appear at the  
14 Settlement Conference with the parties and the person or persons  
15 having full authority to negotiate and settle the case on any  
16 terms at the conference.

17 3. Permission for a party [not attorney] to attend  
18 by telephone may be granted upon request, by letter, with a copy  
19 to the other parties, if the party [not attorney] lives and works  
20 outside the Eastern District of California, and attendance in  
21 person would constitute a hardship. If telephone attendance is  
22 allowed, the party must be immediately available throughout the  
23 conference until excused regardless of time zone differences.  
24 Any other special arrangements desired in cases where settlement  
25 authority rests with a governing body, shall also be proposed in  
26 advance by letter copied to all other parties.

27 4. Confidential Settlement Conference Statement.

28 At least five (5) days prior to the Settlement Conference the

1 parties shall submit, directly to the Magistrate Judge's  
2 chambers, a confidential settlement conference statement. The  
3 statement should not be filed with the Clerk of the Court nor  
4 served on any other party. Each statement shall be clearly  
5 marked "confidential" with the date and time of the Settlement  
6 Conference indicated prominently thereon. Counsel are urged to  
7 request the return of their statements if settlement is not  
8 achieved and if such a request is not made the Court will dispose  
9 of the statement.

10 5. The Confidential Settlement Conference

11 Statement shall include the following:

12 a. A brief statement of the facts of the  
13 case.

14 b. A brief statement of the claims and  
15 defenses, i.e., statutory or other grounds upon which the claims  
16 are founded; a forthright evaluation of the parties' likelihood  
17 of prevailing on the claims and defenses; and a description of  
18 the major issues in dispute.

19 c. A summary of the proceedings to date.

20 d. An estimate of the cost and time to be  
21 expended for further discovery, pre-trial and trial.

22 e. The relief sought.

23 f. The parties' position on settlement,  
24 including present demands and offers and a history of past  
25 settlement discussions, offers and demands.

26 XV. Request For Bifurcation, Appointment Of Special Master,  
27 Or Other Techniques To Shorten Trial.

28 1. The parties request bifurcation of the amount of

1 punitive damages, if any. Those will be determined in a separate  
2 phase in a continuous trial before the same jury after  
3 entitlement to punitive damages and amount of compensatory  
4 damages has been determined.

5 2. Any request for injunctive relief will be heard  
6 following return of the jury's verdict.

7 XVI. Related Matters Pending.

8 1. There are no related matters.

9 XVII. Compliance With Federal Procedure.

10 1. The Court requires compliance with the Federal  
11 Rules of Civil Procedure and the Local Rules of Practice for the  
12 Eastern District of California. To aid the court in the  
13 efficient administration of this case, all counsel are directed  
14 to familiarize themselves with the Federal Rules of Civil  
15 Procedure and the Local Rules of Practice of the Eastern District  
16 of California, and keep abreast of any amendments thereto.

17 XVIII. Effect Of This Order.

18 1. The foregoing order represents the best  
19 estimate of the court and counsel as to the agenda most suitable  
20 to bring this case to resolution. The trial date reserved is  
21 specifically reserved for this case. If the parties determine at  
22 any time that the schedule outlined in this order cannot be met,  
23 counsel are ordered to notify the court immediately of that fact  
24 so that adjustments may be made, either by stipulation or by  
25 subsequent scheduling conference.

26 2. Stipulations extending the deadlines contained  
27 herein will not be considered unless they are accompanied by  
28 affidavits or declarations, and where appropriate attached

1 exhibits, which establish good cause for granting the relief  
2 requested.

3 3. Failure to comply with this order may result in  
4 the imposition of sanctions.

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6 IT IS SO ORDERED.

7 Dated: May 13, 2010

/s/ Oliver W. Wanger  
UNITED STATES DISTRICT JUDGE

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