

1 The provisions of Fed. R. Civ. P. 26(e) regarding a party's duty to timely
2 supplement disclosures and responses to discovery requests will be strictly enforced.

3 **VI. Pre-Trial Motion Schedule**

4 All Non-Dispositive Pre-Trial Motions, including any discovery motions, shall be
5 filed no later than 4:00 p.m. on 6/17/2011 and heard Fridays at 9:30 a.m., before the Honorable
6 Sheila K. Oberto, United States Magistrate Judge in Courtroom 8. In scheduling such motions,
7 the parties shall comply with Local Rule 230. Counsel must comply with Local Rule 251 with
8 respect to discovery disputes or the motion will be denied without prejudice and dropped
9 from calendar. In scheduling such motions, the Magistrate Judge may grant applications for an
10 order shortening time pursuant to Local Rule 144(e). However, if counsel does not obtain an
11 order shortening time, the notice of motion *must* comply with Local Rule 251.

12 The parties are advised that unless prior leave of the Court is obtained, all moving
13 and opposition briefs or legal memorandum in civil cases before Judge Oberto shall not exceed
14 thirty (30) pages. Reply briefs by the moving party shall not exceed ten (10) pages. These page
15 limitations do no include exhibits. Briefs that exceed this page limitation, or are sought to be
16 filed without leave, may not be considered by the Court. In addition, all pleadings shall be filed
17 by no later than 4:00 p.m. on the due date.

18 Counsel may appear and argue non-dispositive motions by telephone, provided a
19 written request to so appear is made to the Magistrate Judge's Courtroom Clerk no later than five
20 (5) court days before the noticed hearing date. In the event that more than one counsel requests
21 to appear by telephone, then it shall be the obligation of the moving part(ies) to arrange and
22 originate a conference call to the court. Telephonic hearings are not likely to be granted with
23 regard to motions to compel in the context of discovery disputes.

24 All Dispositive Pre-Trial Motions shall be filed no later than 8/17/2011 and heard
25 before the Honorable Anthony W. Ishii, United States District Court Judge. In scheduling such
26 motions, counsel shall comply with **Fed.R.Civ.P 56 and Local Rules 230 and 260.**

1 **Motions for Summary Judgment or Summary Adjudication**

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

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

11 The moving party shall initiate the meeting and provide a draft of the joint
12 statement of undisputed facts. **In addition to the requirements of Local Rule 260 the moving**
13 **party shall file a joint statement of undisputed facts.**

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

17 **VII. Pre-Trial Conference Date**

18 10/26/2011 at 8:30 a.m. in Courtroom 2 before Judge Ishii.

19 The parties are ordered to file a **Joint Pretrial Statement pursuant to Local**
20 **Rule 281(a)(2)**. The parties are further directed to submit a digital copy of their pretrial
21 statement in Word Perfect X4¹ format, directly to Judge Ishii's chambers by email at
22 AWIorders@caed.uscourts.gov.

23 The parties' attention is directed to **Rules 281 and 282 of the Local Rules** of
24 Practice for the Eastern District of California, as to the obligations of counsel in preparing for the

25 _____
26 ¹ If WordPerfect X4 is not available to the parties then the latest version of WordPerfect
27 available to the parties or any other word processing program in general use for IBM compatible
personal computers is acceptable.

1 pre-trial conference. The Court will insist upon strict compliance with those rules. In addition to
2 the matters set forth in the Local Rules, the Joint Pretrial Statement shall include a Joint
3 Statement of the case to be used by the Court to explain the nature of the case to the jury during
4 voir dire.

5 **VIII. Trial Date**

6 12/13/2011 at 8:30 a.m. in Courtroom 2 before the Honorable Anthony W. Ishii,
7 United States District Court Judge.

8 A. This is a Jury trial.

9 B. Parties' estimate of trial time: 8 days.

10 C. Parties' attention is directed to Local Rules of Practice for the Eastern
11 District of California, Rule 285 for preparation of trial briefs.

12 **IX. Settlement Conference**

13 A Settlement Conference is scheduled for 10/6/2010 in Courtroom 8 at 10:30 a.m.
14 before the Honorable Sheila K. Oberto, U.S. Magistrate Judge.

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

18 **CONFIDENTIAL SETTLEMENT CONFERENCE STATEMENT**

19 At least five (5) court days prior to the Settlement Conference the parties shall
20 submit, directly to Judge Oberto's chambers by e-mail to SKOorders@caed.uscourts.gov, a
21 Confidential Settlement Conference Statement. The statement **should not be filed** with the
22

23 ² Insurance carriers, business organizations, and governmental bodies or agencies whose
24 settlement agreements are subject to approval by legislative bodies, executive committees, boards
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
authority, if he or she deems it appropriate, to settle the action on terms consistent with the
opposing party's most recent demand.

1 Clerk of the Court **or served on any other party**, although the parties may file a Notice of
2 Lodging of Settlement Conference Statement. Each statement shall be clearly marked
3 "confidential" with the date and time of the Settlement Conference indicated prominently
4 thereon. The parties are urged to request the return of their statements if a settlement is not
5 achieved, and if such a request is not made, the Court will dispose of the statement.

6 The Confidential Settlement Conference Statement shall include the following:

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

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

11 C. A summary of the proceedings to date.

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

14 E. The relief sought.

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

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

21 **X. Request for Bifurcation, Appointment of Special Master, or Other**
22 **Techniques to Shorten Trial**

23 Not applicable at this time.

24 **XI. Related Matters Pending**

25 There are no pending related matters.

