

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SHERRI HUBBLE) Case No.: 1: 10-CV-00603 AWI JLT
Plaintiff(s),)
v.) AMENDED SCHEDULING ORDER (Fed.
THE LINCOLN NATIONAL LIFE) R. Civ. P. 16)
INSURANCE COMPANY; and STWEART) Discovery Deadlines:
WELFARE BENEFIT TRUST LONG TERM) None
DISABILITY PLAN,)
Defendant.) Non-Dispositive Motion Deadlines:
) None
) Dispositive Cross Motion Deadlines:
) Opening Briefs: March 7, 2011
) Opposing Briefs: March 21, 2011
)
) PreTrial Conference:
) None
) Trial/Hearing on Dispositive Motions:
) April 4, 2011, at 1:30 p.m.
) Courtroom 2, 4 hour estimate

I. Date of Scheduling Conference

July 28, 2010.

II. Appearances of Counsel

Lissa Martinez appeared on behalf of Plaintiff.

Robert Pohls appeared on behalf of Defendant.

III. Discovery Plan

The Defendants have provided the administrative record and Plaintiff agrees that it is complete. Plaintiff stipulates that there will be no objection to the administrative record as it is presently constituted.

Plaintiff stipulates that there will be no credibility challenges or challenges to the correctness of the proceedings below. The parties stipulate that no discovery is needed or appropriate. The parties stipulate that the matter must be decided *de novo* on the administrative record.

IV. Non-Dispositive Pretrial Motions

The parties stipulate there will be no pretrial, non-dispositive motions.

V. Briefing Schedule

The parties stipulate that this matter will be resolved through the filing of dispositive cross-motions. They agree that there will be no questions of fact for resolution but if any arise, the trial judge will determine any questions of fact upon the information contained in the administrative record.

The following schedule will apply to the dispositive cross-motions:

1. Opening trial briefs will be filed no later than March 7, 2011
2. Opposing trial briefs will be filed no later than March 21, 2011.
3. There will be no reply briefs.

VI. Hearing on Dispositive Cross Motions/Trial Date

Although described here as a "trial" in this case, the parties agree that the proceeding will include only oral argument on the cross-motions. The parties stipulate that there will be no evidence offered of any type.

The proceedings will occur on April 4, 2011 at 1:30 p.m., in Courtroom 2 before the Honorable Anthony W. Ishii, United States District Court Judge.

A. This is a Court Trial.

- B. Counsels' Estimate of Trial Time: not more than 4 hours.
- C. Counsels' attention is directed to Local Rules of Practice for the Eastern District of California, Rule 285.

VII. Pre-Trial Conference

Due to the nature of the hearing/trial as described above, no pre-trial conference will be scheduled.

VIII. Settlement Conference

The parties have agreed to attempt informal settlement and failing this, to attend formal mediation of this dispute to be completed no later than November 30, 2010.

Should the parties desire a settlement conference, they will jointly request one of the Court, and one will be arranged. In making such request, the parties are directed to notify the Court whether or they desire the undersigned to conduct the settlement conference or to arrange one before another judicial officer.

IX. Request for Bifurcation, Appointment of Special Master, or other

Techniques to Shorten Trial

Not applicable at this time.

X. Related Matters Pending

There are no pending related matters.

XI. Compliance with Federal Procedure

All counsel are expected to familiarize themselves with the Federal Rules of Civil Procedure and the Local Rules of Practice of the Eastern District of California and to keep abreast of any amendments thereto. The Court must insist upon compliance with these Rules if it is to efficiently handle its increasing case load and sanctions will be imposed for failure to follow the Rules as provided in both the Federal Rules of Civil Procedure and the Local Rules of Practice for the Eastern District of California.

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XII. Effect of this Order

The foregoing order represents the best estimate of the Court and counsel as to the agenda most suitable to dispose of this case. The trial date reserved is specifically reserved for this case. If the parties determine at any time that the schedule outlined in this order cannot be met, counsel are ordered to notify the court immediately of that fact so that adjustments may be made, either by stipulation or by subsequent status conference.

The parties are advised that the dates reflected in this order are **firm** and will not be modified absent a showing of good cause. **Stipulations extending the deadlines contained herein will not be considered unless they are accompanied by affidavits or declarations, and where appropriate attached exhibits, which establish good cause for granting the relief requested.**

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

IT IS SO ORDERED.

Dated: July 29, 2010

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE