

1 Judge in Courtroom 9. **Counsel must comply with Local Rule 251 with respect to discovery**
2 **disputes or the motion will be denied without prejudice and dropped from calendar.**

3 **Discovery Disputes**

4 No written discovery motions shall be filed without the prior approval of the
5 Magistrate Judge. A party with a discovery dispute must first confer with the opposing party in a
6 good faith effort to resolve by agreement the issues in dispute. If that good faith effort is
7 unsuccessful, the moving party shall then seek a prompt conference with the Magistrate Judge by
8 telephone. The Clerk will inform counsel of the time and date of the telephone conference and it
9 shall be the responsibility of the moving party to initiate the telephone conference call to
10 chambers. The recording of telephone hearings or conferences with the Court is prohibited,
11 except with prior permission of the Court. The request for a conference with the Court carries
12 with it a professional representation by the lawyer that a conference has taken place and that he
13 or she has made a good faith effort to resolve the dispute.

14 The lawyers or unrepresented parties shall supply the judicial officer with the
15 particular discovery materials (such as objectionable answers to interrogatories) that are needed
16 to understand the dispute.

17 In scheduling such motions, the Magistrate Judge may grant applications for an
18 order shortening time pursuant to Local Rule 144(3). However, if counsel does not obtain an
19 order shortening time, the notice of motion *must* comply with Local Rule 251.

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

25 All Dispositive Pre-Trial Motions shall be filed no later than August 9, 2013 and
26 heard no later than September 30, 2013, in Courtroom 2 before the Honorable Anthony W. Ishii,

1 United States District Court Judge. In scheduling such motions, counsel shall comply with
2 **Fed.R.Civ.P 56 and Local Rules 230 and 260.**

3 **Motions for Summary Judgment or Summary Adjudication**

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

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

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

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

19 **V. Pre-Trial Conference Date**

20 November 15, 2013 at 8:30 a.m. in Courtroom 2 before Judge Ishii.

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

24 Counsels' attention is directed to **Rules 281 and 282 of the Local Rules** of
25 Practice for the Eastern District of California, as to the obligations of counsel in preparing for the
26 pre-trial conference. The Court will insist upon strict compliance with those rules. In addition to
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1 the matters set forth in the Local Rules the Joint Pretrial Statement shall include a Joint
2 Statement of the case to be used by the Court to explain the nature of the case to the jury during
3 voir dire.

4 **VI. Trial Date**

5 January 14, 2014 at 8:30 a.m. in Courtroom 2 before the Honorable Anthony W.
6 Ishii, United States District Court Judge.

7 A. This is a jury trial.

8 B. Counsels' Estimate of Trial Time: 5 days.

9 C. Counsel's attention is directed to Local Rules of Practice for the Eastern
10 District of California, Rule 285.

11 **VII. Settlement Conference**

12 A Settlement Conference is scheduled for February 20, 2013 at 10:00 AM in
13 Courtroom 9 before the Honorable Dennis L. Beck, U.S. Magistrate Judge.

14 Unless otherwise permitted in advance by the Court, **the attorneys who will try**
15 **the case** shall appear at the Settlement Conference **with the parties** and the person or persons
16 having **full authority** to negotiate and settle the case **on any terms**¹ at the conference.

17 **CONFIDENTIAL SETTLEMENT CONFERENCE STATEMENT**

18 At least five (5) court days prior to the Settlement Conference the parties shall
19 submit, directly to Judge Beck's chambers by e-mail to DLBOrders@caed.uscourts.gov, a
20 Confidential Settlement Conference Statement. The statement **should not be filed** with the
21 Clerk of the Court **nor served on any other party**, although the parties may file a Notice of
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23 ¹ 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
28 authority, if he or she deems it appropriate, to settle the action on terms consistent with the
opposing party's most recent demand.

1 Lodging of Settlement Conference Statement Each statement shall be clearly marked
2 "confidential" with the date and time of the Settlement Conference indicated prominently
3 thereon.

4 The Confidential Settlement Conference Statement shall include the following:

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

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

9 C. A summary of the proceedings to date.

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

12 E. The relief sought.

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

15 **VIII. Request for Bifurcation, Appointment of Special Master, or other**
16 **Techniques to Shorten Trial**

17 Not applicable at this time.

18 **IX. Related Matters Pending**

19 There are no pending related matters.

20 **X. Compliance with Federal Procedure**

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

