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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CARE PLUS INSURANCE MARKETING,

Plaintiff,

v.

CONNECTICUT GENERAL LIFE
INSURANCE COMPANY,

Defendant.

Case No. 1:10-cv-1836-MJS

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

Discovery Deadlines:

Initial Disclosures: 3/31/2011

Expert Disclosures:
Plaintiff's Initial: 10/14/2011
Defendant's Initial: 10/28/2011
Plaintiff's Rebuttal: 11/14/2011

Discovery Cut Off: 12/13/2011

Non-Dispositive Motion Deadlines:
Filing: 12/13/2011

Dispositive Motion Deadlines:
Filing: 1/10/2012
Hearing: 2/24/2012

Pre-Trial Conference:
3/23/2012 at 9:30 a.m.
Courtroom 6 (MJS)

Trial: 4/17/2012 at 9:00 a.m.
Yosemite Courtroom
7 days

1 **I. Date of Scheduling Conference**

2 4/20/2011.

3 **II. Appearances of Counsel**

4 Mitchell Taylor appeared on behalf of Plaintiff.

5 Benjamin Turner appeared on behalf of Defendant.

6 **III. Discovery Plan and Cut-Off Date**

7 At the Scheduling Conference, the parties represented that initial disclosures had
8 been exchanged.

9 The parties are ordered to complete all discovery pertaining to non-experts and
10 experts on or before 12/13/2011.

11 The parties are directed to disclose all expert witnesses, in writing, as follows;
12 Plaintiffs initial disclosure on or before 10/14/2011; Defendant's to disclose on or before
13 10/28/2011; Plaintiff's rebuttal experts shall be disclosed on or before 11/14/2011. The
14 written designation of experts shall be made pursuant to Fed. R. Civ. P. Rule 26(a)(2)(A)
15 and (B) and shall include all information required thereunder. Failure to designate experts
16 in compliance with this Order may result in the Court excluding the testimony or other
17 evidence offered through experts that are not disclosed pursuant to this Order.

18 The provisions of Fed. R. Civ. P. 26(b)(4) and (5) shall apply to all discovery relating
19 to experts and their opinions. Experts must be fully prepared to be examined on all
20 subjects and opinions included in the designation. Failure to comply will result in the
21 imposition of sanctions, which may include striking the expert designation and preclusion
22 of expert testimony.

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

1 judgment motion; and 6) to arrive at a joint statement of undisputed facts.

2 The moving party shall initiate the meeting and provide a draft of the joint statement
3 of undisputed facts. In addition to the requirements of Local Rule 260, the moving party
4 shall file a joint statement of undisputed facts.

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

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

9 A pre-trial conference shall be held on 3/23/2012 at 9:30 a.m. in Courtroom 6 before
10 Magistrate Judge Seng.

11 The parties are ordered to file a Joint Pretrial Statement pursuant to Local Rule
12 281(a)(2). The parties are further directed to submit a digital copy of their pretrial
13 statement in Word Perfect X4¹ format, directly to Judge Seng's chambers by email at
14 MJSOrders@caed.uscourts.gov.

15 Counsels' attention is directed to Rules 281 and 282 of the Local Rules of Practice
16 for the Eastern District of California, as to the obligations of counsel in preparing for the
17 pre-trial conference. The Court will insist upon strict compliance with those rules.

18 **VI. Trial Date**

19 Trial of this matter shall commence on 4/17/2012 at 9:00 a.m. in the courtroom at
20 the Yosemite courthouse before the Honorable Michael J. Seng, United States Magistrate
21 Judge. The following apply:

- 22 A. This is a Court trial.
23 B. Counsels' Estimate of Trial Time: 7 days.
24 C. Counsel's attention is directed to Local Rules of Practice for the

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

2 **VII. Settlement Conference**

3 A Settlement Conference will be scheduled if all parties so request. In making the
4 request, the parties are to notify the Court as to whether they want the undersigned or
5 another judicial officer to conduct the settlement conference. If the undersigned is
6 selected, the parties are to comply with the following:

7 Unless otherwise permitted in advance by the Court, the attorneys who will
8 try the case shall appear at the Settlement Conference with the parties and the person or
9 persons having full authority to negotiate and settle the case on any terms² at the
10 conference.

11 **CONFIDENTIAL SETTLEMENT CONFERENCE STATEMENT**

12 At least five (5) court days prior to the Settlement Conference the parties shall
13 submit, directly to Judge Seng's chambers by e-mail to MJSOrders@caed.uscourts.gov,
14 a Confidential Settlement Conference Statement. The statement should not be filed with
15 the Clerk of the Court and need not be served on any other party unless the parties agree
16 otherwise. The parties may file a Notice of Lodging of Settlement Conference Statement.
17 Each statement shall be clearly marked "confidential" with the date and time of the
18 Settlement Conference indicated prominently thereon.

19 The Confidential Settlement Conference Statement shall include the following:

- 20 A. A brief statement of the facts of the case.
- 21 B. A brief statement of the claims, defenses, and major issues in dispute AND
22 a forthright evaluation of the parties' likelihood of prevailing on the claims,
23 defenses, and disputed issues.

24 ² Insurance carriers, business organizations, and governmental bodies or agencies whose
25 settlement agreements are subject to approval by legislative bodies, executive committees, boards of
26 directors or the like shall be represented by a person or persons who occupy high executive positions in
27 the party organization and who will be directly involved in the process of approval of 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 C. A summary of the proceedings to date.
- 2 D. An estimate of the cost and time to be incurred in completing discovery,
3 pretrial matters, and trial.
- 4 E. The relief sought.
- 5 F. A genuine statement of the party's position on settlement.

6 Each parties' settlement conference statement may be as lengthy as the party
7 reasonably deems necessary to provide the information requested by the Court. However,
8 any settlement conference statement that exceeds six (6) double spaced pages, MUST be
9 accompanied by a summary or outline of same not to exceed three (3) double spaced
10 pages.

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

13 Not applicable at this time.

14 **IX. Related Matters Pending**

15 There are no pending related matters.

16 **X. Compliance with Federal Procedure**

17 All counsel are expected to familiarize themselves with the Federal Rules of Civil
18 Procedure and the Local Rules of Practice of the Eastern District of California and to keep
19 abreast of any amendments thereto. Given its overwhelming and increasing caseload, the
20 Court must insist upon compliance with these Rules. Sanctions will be imposed for failure
21 to follow the Federal Rules of Civil Procedure and the Local Rules of Practice for the
22 Eastern District of California.

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24 **XI. Effect of this Order**

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

4 Stipulations extending the deadlines contained herein will not be considered unless
5 they are accompanied by affidavits or declarations and, where appropriate, attached
6 exhibits that establish good cause for granting the relief requested.

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

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11 IT IS SO ORDERED.

12 Dated: June 13, 2011
13 ci4d6

1st. Michael J. Seng
UNITED STATES MAGISTRATE JUDGE