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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

J & J SPORTS PRODUCTIONS, INC.,)
)
Plaintiff,)
)
v.)
)
REFUGIO RAMIREZ, et al.,)
)
Defendants.)
_____)

1:10-cv-2088 OWW SMS
SCHEDULING CONFERENCE ORDER
Discovery Cut-Off: 9/3/12
Non-Dispositive Motion
Filing Deadline: 9/14/12
Non-Dispositive Motion
Hearing Date: 10/19/12 9:00
Ctrm. 7

Dispositive Motion Filing
Deadline: 9/28/12

Dispositive Motion Hearing
Date: 10/29/12 10:00 Ctrm.
3

Settlement Conference Date:
9/25/12 10:30 Ctrm. 7

Pre-Trial Conference Date:
12/3/12 11:00 Ctrm. 3

Trial Date: 1/29/13 9:00
Ctrm. 3 (JT-3 days)

I. Date of Scheduling Conference.
May 4, 2011.
II. Appearances Of Counsel.
Thomas P. Riley, Esq., appeared on behalf of Plaintiff.

1 Robert J. Cervantes, Esq., appeared on behalf of Defendants.

2 III. Summary of Pleadings.

3 1. Plaintiff, J & J Sports Productions, Inc., a closed-
4 circuit distributor of sports and entertainment programming,
5 claims that Defendant Refugio Ramirez, individually and d/b/a
6 Pirate Pizza, exhibited the "Firepower": *Manny Pacquiao v. Miguel*
7 *Cotto, WBO Welterweight* of Saturday, November 14, 2009
8 (hereinafter "*Program*") at the establishment the Defendant was
9 operating known as "Pirate Pizza" without the necessary closed-
10 circuit (commercial) license he was required to obtain from the
11 Plaintiff.

12 2. The Defendant denies exhibition of the *Program*, and/or
13 any liability of any alleged exhibition of the *Program*.

14 IV. Orders Re Amendments To Pleadings.

15 1. The Plaintiff anticipates amending its Complaint at the
16 conclusion of discovery to assert additional claims/parties to
17 causes of action against the Defendant. The parties shall
18 endeavor to complete sufficient discovery to permit any amendment
19 of pleadings within ninety days following the exchange of Rule
20 26(a) information.

21 V. Factual Summary.

22 A. Admitted Facts Which Are Deemed Proven Without Further
23 Proceedings.

24 1. J & J Sports Productions, Inc. is a corporation
25 incorporated under the laws of the State of California and
26 licenses sports events including boxing contests.

27 2. Defendant Refugio Ramirez d/b/a Pirate Pizza is in
28 Reedley, California.

1 B. Contested Facts.

2 1. All remaining facts are contested.

3 VI. Legal Issues.

4 A. Uncontested.

5 1. Jurisdiction exists under 28 U.S.C. § 1331 and 47
6 U.S.C. §§ 553, et seq., and 47 U.S.C. §§ 605, et seq.

7 Supplemental jurisdiction is invoked under 28 U.S.C. § 1367. The
8 Plaintiff also asserts claims for conversion and violation of
9 Cal. Civ. Code § 17200.

10 2. Venue is proper under 28 U.S.C. § 1391 and 47
11 U.S.C. §§ 553 and 605, et seq.

12 B. Contested.

13 1. All remaining legal issues are contested.

14 VII. Consent to Magistrate Judge Jurisdiction.

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

17 VIII. Corporate Identification Statement.

18 1. Any nongovernmental corporate party to any action in
19 this court shall file a statement identifying all its parent
20 corporations and listing any entity that owns 10% or more of the
21 party's equity securities. A party shall file the statement with
22 its initial pleading filed in this court and shall supplement the
23 statement within a reasonable time of any change in the
24 information.

25 IX. Discovery Plan and Cut-Off Date.

26 1. The date for initial disclosures under Rule 26(a) is
27 June 8, 2011.

28 2. The parties are ordered to complete all discovery on or

1 before September 3, 2012.

2 3. The parties are directed to disclose all expert
3 witnesses, in writing, on or before April 2, 2012. Any rebuttal
4 or supplemental expert disclosures will be made on or before May
5 1, 2012. The parties will comply with the provisions of Federal
6 Rule of Civil Procedure 26(a)(2) regarding their expert
7 designations. Local Rule 16-240(a) notwithstanding, the written
8 designation of experts shall be made pursuant to F. R. Civ. P.
9 Rule 26(a)(2), (A) and (B) and shall include all information
10 required thereunder. Failure to designate experts in compliance
11 with this order may result in the Court excluding the testimony
12 or other evidence offered through such experts that are not
13 disclosed pursuant to this order.

14 4. The provisions of F. R. Civ. P. 26(b)(4) shall
15 apply to all discovery relating to experts and their opinions.
16 Experts shall be fully prepared to be examined on all subjects
17 and opinions included in the designation and their reports, which
18 shall include every opinion to be rendered and all reasons for
19 each opinion. Failure to comply will result in the imposition of
20 sanctions.

21 X. Pre-Trial Motion Schedule.

22 1. All Non-Dispositive Pre-Trial Motions, including any
23 discovery motions, shall be filed on or before September 14,
24 2012, and heard on October 19, 2012, at 9:00 a.m. before
25 Magistrate Judge Sandra M. Snyder in Courtroom 7.

26 2. In scheduling such motions, the Magistrate
27 Judge may grant applications for an order shortening time
28 pursuant to Local Rule 142(d). However, if counsel does not

1 obtain an order shortening time, the notice of motion must comply
2 with Local Rule 251 and this schedule.

3 3. All Dispositive Pre-Trial Motions are to be
4 filed no later than September 28, 2012, and will be heard on
5 October 29, 2012, at 10:00 a.m. before the Honorable Oliver W.
6 Wanger, in Courtroom 3, 7th Floor. In scheduling such motions,
7 counsel shall comply with Local Rule 230.

8 XI. Pre-Trial Conference Date.

9 1. December 3, 2012, at 11:00 a.m. in Courtroom 3, 7th
10 Floor, before the Honorable Oliver W. Wanger.

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

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

18 XII. Motions - Hard Copy.

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

23 XIII. Trial Date.

24 1. January 29, 2013, at the hour of 9:00 a.m. in Courtroom
25 3, 7th Floor, before the Honorable Oliver W. Wanger, United
26 States District Judge.

27 2. This is a jury trial.

28 3. Counsels' Estimate Of Trial Time:

1 a. Two to three days.

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

4 XIV. Settlement Conference.

5 1. A Settlement Conference is scheduled for September 25,
6 2012, at 10:30 a.m. in Courtroom 7 before the Honorable Sandra M.
7 Snyder, United States Magistrate Judge.

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

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

23 4. Confidential Settlement Conference Statement.
24 At least five (5) days prior to the Settlement Conference the
25 parties shall submit, directly to the Magistrate Judge's
26 chambers, a confidential settlement conference statement. The
27 statement should not be filed with the Clerk of the Court nor
28 served on any other party. Each statement shall be clearly

1 marked "confidential" with the date and time of the Settlement
2 Conference indicated prominently thereon. Counsel are urged to
3 request the return of their statements if settlement is not
4 achieved and if such a request is not made the Court will dispose
5 of the statement.

6 5. The Confidential Settlement Conference
7 Statement shall include the following:

8 a. A brief statement of the facts of the
9 case.

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

15 c. A summary of the proceedings to date.

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

18 e. The relief sought.

19 f. The parties' position on settlement,
20 including present demands and offers and a history of past
21 settlement discussions, offers and demands.

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

24 1. None.

25 XVI. Related Matters Pending.

26 1. There are no related matters.

27 XVII. Compliance With Federal Procedure.

28 1. The Court requires compliance with the Federal

1 Rules of Civil Procedure and the Local Rules of Practice for the
2 Eastern District of California. To aid the court in the
3 efficient administration of this case, all counsel are directed
4 to familiarize themselves with the Federal Rules of Civil
5 Procedure and the Local Rules of Practice of the Eastern District
6 of California, and keep abreast of any amendments thereto.

7 XVIII. Effect Of This Order.

8 1. The foregoing order represents the best
9 estimate of the court and counsel as to the agenda most suitable
10 to bring this case to resolution. The trial date reserved is
11 specifically reserved for this case. If the parties determine at
12 any time that the schedule outlined in this order cannot be met,
13 counsel are ordered to notify the court immediately of that fact
14 so that adjustments may be made, either by stipulation or by
15 subsequent scheduling conference.

16 2. Stipulations extending the deadlines contained
17 herein will not be considered unless they are accompanied by
18 affidavits or declarations, and where appropriate attached
19 exhibits, which establish good cause for granting the relief
20 requested.

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

23
24 IT IS SO ORDERED.

25 Dated: May 4, 2011

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE