

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

COACH, INC. a Maryland Corporation;
COACH SERVICES, INC. a Maryland
Corporation,
Plaintiffs,
v.
SASSY SCISSOR CUTS, et al.,
Defendants. 9:30

) Case No.: 1: 11-CV-00657 - AWI - JLT
) AMENDED SCHEDULING ORDER (Fed.
R. Civ. P. 16)
) Pleading Amendment Deadline: 9/23/2011
) Discovery Deadlines:
 Non Expert: 2/17/2012
 Expert: 4/13/2012
) Mid-Discovery Status Conference:
 11/16/11, 9:30 a.m.

Non-Dispositive Motion Deadlines:
Filing: 4/20/2012
Hearing: 5/18/2012

Dispositive Motion Deadlines:
Filing: 5/25/2012
Hearing: 7/16/2012

Pre-Trial Conference:
9/6/2012 at 8:30 a.m.
Courtroom 2

Trial: 11/6/2012 at 8:30 a.m.
Courtroom 2
Jury trial: 3-5 days

I. Date of Scheduling Conference

August 10, 2011.

1 **II. Appearances of Counsel**

2 Brent Blakely appeared on behalf of Plaintiff.

3 Jonathan McMahon appeared on behalf of Defendant.

4 **III. Pleading Amendment**

5 Plaintiffs shall file an amended complaint joining additional parties who have
6 been identified as suppliers of the products at issue no later than **September 23, 2011**.

7 **IV. Discovery Plan and Cut-Off Date**

8 The parties have exchanged the initial disclosures required by Fed. R. Civ. P.
9 26(a)(1).

10 The parties are ordered to complete all discovery pertaining to non-experts on or
11 before **February 17, 2012**, and all discovery pertaining to experts on or before **April 13, 2012**.

12 The parties are directed to disclose all expert witnesses, in writing, on or before
13 **February 24, 2012**, and to disclose all rebuttal experts on or before **March 16, 2012**. The
14 written designation of retained and non-retained experts shall **be made pursuant to Fed. R. Civ.**
15 **P. Rule 26(a)(2), (A), (B), and (C) and shall include all information required thereunder.**
16 Failure to designate experts in compliance with this order may result in the Court excluding the
17 testimony or other evidence offered through such experts that are not disclosed pursuant to this
18 order.

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

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

26 A telephonic mid-discovery status conference is scheduled for **November 16,**
27 **2011**, at 9:30 am, before the Honorable Jennifer L. Thurston, U.S. Magistrate Judge, located at
28 1200 Truxtun Avenue, Suite 120, Bakersfield, California, 93301. A Joint Mid-Discovery Status

1 Conference Report, carefully prepared and executed by all counsel, shall be electronically filed in
2 CM/ECF, one (1) full week prior to the Conference, and shall be e-mailed, in WordPerfect or
3 Word format, to jltorders@caed.uscourts.gov. Counsel SHALL appear by telephone.

4 **V. Pre-Trial Motion Schedule**

5 All non-dispositive pre-trial motions, including any discovery motions, shall be
6 filed no later than **April 20, 2012**, and heard on or before **May 18, 2012**. Non-dispositive
7 motions are heard at 9:00 a.m., before the Honorable Jennifer L. Thurston, United States
8 Magistrate Judge at the United States Bankruptcy Courtroom at 1300 18th Street, Bakersfield,
9 California.

10 No written discovery motions shall be filed without the prior approval of the
11 assigned Magistrate Judge. A party with a discovery dispute must first confer with the opposing
12 party in a good faith effort to resolve by agreement the issues in dispute. If that good faith effort
13 is unsuccessful, the moving party promptly shall seek a telephonic hearing with all involved
14 parties and the Magistrate Judge. It shall be the obligation of the moving party to arrange and
15 originate the conference call to the court. To schedule this telephonic hearing, the parties are
16 ordered to contact Courtroom Deputy Clerk, Alan Leon-Guerrero at (661) 326-6624 or via email
17 at ALeonGuerrero@caed.uscourts.gov. **Counsel must comply with Local Rule 251 with**
18 **respect to discovery disputes or the motion will be denied without prejudice and dropped**
19 **from calendar.**

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

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

28 All dispositive pre-trial motions shall be filed no later than **May 25, 2012**, and

1 heard no later than **July 16, 2012**, at 1:30 p.m., in Courtroom 2 before the Honorable Anthony
2 W. Ishii, United States District Court Judge. In scheduling such motions, counsel shall comply
3 with **Fed.R.Civ.P 56 and Local Rules 230 and 260**.

4 **VI. Motions for Summary Judgment or Summary Adjudication**

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

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

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

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

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

21 **September 6, 2012**, at 8:30 a.m. in Courtroom 2 before Judge Ishii.

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

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

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

VIII. Trial Date

November 6, 2012 at 8:30 a.m. in Courtroom 2 before the Honorable Anthony W. Ishii, United States District Court Judge.

- A. This is a jury trial.
- B. Counsels' Estimate of Trial Time: 3-5 days.
- C. Counsel's attention is directed to Local Rules of Practice for the Eastern District of California, Rule 285.

IX. Settlement Conference

The parties request that no settlement conference be set at this time. Should the parties jointly agree at later time that a settlement conference would be fruitful, they may file a joint request that the Court schedule a settlement conference.

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

Techniques to Shorten Trial

Not applicable at this time.

XI. Related Matters Pending

There are no pending related matters.

XII. 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

1 Practice for the Eastern District of California.

2 **XIII. Effect of this Order**

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

8 **The dates set in this Order are considered to be firm and will not be modified**
9 **absent a showing of good cause even if the request to modify is made by stipulation.**

10 **Stipulations extending the deadlines contained herein will not be considered unless they are**
11 **accompanied by affidavits or declarations, and where appropriate attached exhibits, which**
12 **establish good cause for granting the relief requested.**

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

14
15 IT IS SO ORDERED.

16 Dated: August 25, 2011

17 /s/ Jennifer L. Thurston
18 UNITED STATES MAGISTRATE JUDGE

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