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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MARIO LOPEZ, *et. al.*,  
Plaintiffs,

v.

COUNTY OF TULARE,  
*et. al.*,  
Defendants.

)	CASE NO. CV 11-001547- BAM
)	<b>SCHEDULING CONFERENCE ORDER</b>
)	Initial Disclosure: February 27, 2012
)	Expert Disclosure: September 28, 2012
)	Supplemental Expert Disclosure: October 12, 2012
)	Non-expert Discovery Cutoff: September 28, 2012
)	Expert Discovery Cutoff: December 15, 2012
)	Pretrial Motion Filing Deadline: February 15, 2013
)	Pretrial Motion Hearing Deadline: March 15, 2013
)	Settlement Conf.: Date: August 29, 2012 Time: 10:30 a.m. Dept: 10(GSA)
)	Pretrial Conf.: Date: April 3, 2013 Time: 8:30 a.m. Dept: 8(BAM)
)	Jury Trial: **Date: May 13, 2013 (10 days est.) Time: 9:00 a.m. Dept.: 8(BAM)

This Court conducted a scheduling conference on February 13, 2012. Counsel Michael

\*\* Counsel should note that the trial date has changed to May 13, 2013.

1 Haddad appeared by telephone on behalf of Plaintiffs. Counsel Dennis Thelen and Teresa Saucedo  
2 appeared by telephone on behalf of Defendants. Pursuant to F.R.Civ.P. 16(b), this Court sets a  
3 schedule for this action.

4 **1. Amendment To The Parties' Pleadings**

5 Proposed amendments will be forwarded to the opposing party no later than **August 1, 2012**.

6 **2. Consent To Magistrate Judge**

7 Pursuant to 28 U.S.C. § 636(c), the parties have consented to conduct all further proceedings  
8 in this case, including trial, before the Honorable Barbara A. McAuliffe, United States Magistrate  
9 Judge.

10 **3. F.R.Civ.P. 26(a)(1) Initial Disclosures**

11 Initial disclosures shall be completed on or before **February 27, 2012**.

12 **4. Discovery Cutoffs And Limits**

13 Initial expert witness disclosures by any party shall be served no later than **September 28,**  
14 **2012**. Supplemental expert witness disclosures by any party shall be served no later than **October**  
15 **12, 2012**. Such disclosures must be made pursuant to F.R.Civ.P. 26(a)(2)(A) and (B) and shall  
16 include all information required thereunder. In addition, F.R.Civ.P. 26(b)(4) and F.R.Civ.P. 26(e)  
17 shall specifically apply to all discovery relating to expert witnesses and their opinions. Each expert  
18 witness must be prepared fully to be examined on all subjects and opinions included in the  
19 designations. Failure to comply with these requirements will result in the imposition of appropriate  
20 sanctions, which may include the preclusion of testimony or other evidence offered through the  
21 expert witness. In particular, this Court will enforce preclusion of testimony or other evidence if  
22 F.R.Civ.P. 26(e) is not strictly complied with. All non-expert discovery, including motions to  
23 compel, shall be completed no later than **September 28, 2012**. All expert discovery, including  
24 motions to compel, shall be completed no later than **December 15, 2012**.

25 **5. Pretrial Motion Schedule**

26 All pre-trial motions, both dispositive and non-dispositive (except motions to compel,  
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1 addressed above), shall be served and filed on or before **February 15, 2013**. Such motions shall be  
2 set before Magistrate Judge Barbara A. McAuliffe not later than **March 15, 2013**.

3 Motions are heard on Fridays at 9:00 a.m., before the Honorable Barbara A. McAuliffe,  
4 United States Magistrate Judge, in Courtroom 8. Before scheduling such motions, the parties shall  
5 comply with Local Rule 230 or Local Rule 251. Counsel must comply with Local Rule 251 with  
6 respect to discovery disputes or the motion will be denied without prejudice and dropped from  
7 calendar. In addition to filing a joint statement electronically, a copy of the joint statement shall also  
8 be sent Judge McAuliffe's chambers by email to bamorders@caed.uscourts.gov.

9 The parties are advised that unless prior leave of the Court is obtained, all moving and  
10 opposition briefs or legal memorandum in civil cases before Judge McAuliffe shall not exceed  
11 twenty-five (25) pages. Reply briefs by the moving party shall not exceed ten (10) pages. These  
12 page limitations do not include exhibits. Briefs that exceed this page limitation, or are sought to be  
13 filed without leave, may not be considered by the Court.

14 Counsel or pro se parties may appear and argue motions by telephone, providing a written  
15 request to do so is made to Judge McAuliffe's Clerk no later than five (5) court days before the  
16 noticed hearing date. In the event that more than one party requests to appear by telephone, it shall  
17 be the obligation of the moving part(ies) to arrange and originate a conference call to the Court.

18 **Motions for Summary Judgment or Summary Adjudication**

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

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

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

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

7 **6. Mandatory Settlement Conference**

8 A Settlement Conference will be held on **August 29, 2012, at 10:30 a.m.** in Courtroom 10  
9 before Magistrate Judge Gary Austin. Unless otherwise permitted in advance by the Court, the  
10 attorneys who will try the case shall appear at the settlement conference with the parties and the  
11 person or persons having full authority to negotiate and settle the case, on any terms, at the  
12 conference.

13 **No later than seven days prior to the settlement conference**, each party shall submit  
14 directly to Judge Austin's chambers at [gsaorders@caed.uscourts.gov](mailto:gsaorders@caed.uscourts.gov), a confidential settlement  
15 conference statement. This statement should neither be filed with the clerk of the Court nor served  
16 on any other party. Each statement shall be clearly marked "CONFIDENTIAL" with the date and  
17 time of the mandatory settlement conference indicated prominently. Counsel are urged to request  
18 the return of their statements. If such request is not made, the Court will dispose of the statement.

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 and defenses (i.e., statutory or other grounds upon  
22 which the claims or defenses are based), a forthright evaluation of the parties'  
23 likelihood of prevailing on the claims and defenses, and a description of the major  
24 issues in dispute;
- 25 C. A summary of the proceedings to date;
- 26 D. An estimate of the cost and time to be expended for further pretrial and trial matters,  
27 including discovery;

1 E. The relief sought; and

2 F. The party's position on settlement, **including the amount which the party will**  
3 **accept to settle, realistic settlement expectations**, present demands and offers,  
4 and a history of past settlement discussions, offers, and demands.

5 This Court will vacate the settlement conference if the Court finds the settlement conference  
6 will be neither productive nor meaningful to attempt to resolve all or part of this case. As far in  
7 advance of the settlement conference as possible, a party shall inform the Court and other parties that  
8 it believes the case is not in a settlement posture so the Court may vacate or reset the settlement  
9 conference. Otherwise the parties shall proceed with the settlement conference in good faith to  
10 attempt to resolve all or part of the case.

#### 11 **7. Pretrial Conference**

12 This Court sets a pretrial conference for **April 3, 2013, at 8:30 a.m.** in Courtroom 8 and will  
13 be heard before Magistrate Judge Barbara A. McAuliffe. The parties are directed to file a joint  
14 pretrial statement which complies with the requirements of this Court's Local Rule 281. In addition,  
15 the joint pretrial statement should include a brief factual summary and an agreed upon neutral  
16 statement of the case. An additional copy of the joint pretrial statement, carefully prepared and  
17 executed by all counsel, shall be electronically filed in CM/ECF and shall be e-mailed in  
18 WordPerfect format to bamorders@caed.uscourts.gov.

19 The parties' attention is directed to this Court's Local Rules 281 and 282. This Court will  
20 insist upon strict compliance with those rules.

21 At the pretrial conference, the Court will set deadlines, among others, to file motions in  
22 limine, final witness lists, exhibits, jury instructions, objections, and other trial documents.

#### 23 **8. Trial Date**

24 A ten-day jury trial is set for **May 13, 2013, at 9:00 a.m.** in Courtroom 8 before Magistrate  
25 Judge Barbara A. McAuliffe.

#### 26 **9. Effect Of This Order**

27 This order represents the best estimate of the Court and parties as to the agenda most suitable  
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1 to dispose of this case. If the parties determine at any time that the schedule outlined in this order  
2 cannot be met, the parties are ordered to notify the Court immediately of that fact so that adjustments  
3 may be made, either by stipulation or by subsequent status conference. Stipulations extending the  
4 deadlines contained herein will not be considered unless they are accompanied by affidavits or  
5 declarations with attached exhibits, where appropriate, which establish good cause for granting the  
6 relief requested.

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

8 IT IS SO ORDERED.

9 **Dated: February 21, 2012**

**/s/ Barbara A. McAuliffe**  
**UNITED STATES MAGISTRATE JUDGE**

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