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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ISAAC MILLER,

Plaintiff,

vs.

HANFORD POLICE OFFICER STEVE

SCHMITZ, et al.,

Defendants

RONALD SILVA,

Counter-Claimant,

vs.

ISAAC MILLER,

Counter Defendant.

1: 12 CV 00137 LJO DLB

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

Initial Disclosures: June 29, 2012

Discovery Deadline: April 26, 2013

Non-Dispositive Motion Deadlines:

Filing: May 1, 2013

Hearing: May 24, 2013

Dispositive Motion Deadlines:

Filing: June 4, 2013

Hearing: July 30, 2013

Settlement Conference:

October 17, 2012 at 10:00 a.m.

Courtroom 9

Pre-Trial Conference:

September 25, 2013 at 8:30 a.m.

Courtroom 4

Trial: November 19, 2013 at 8:30 a.m.

Courtroom 4 JT 7 to 8 days

I. Date of Scheduling Conference

May 15, 2012.

1 II. Appearances of Counsel

2 Kevin G. Little appeared on behalf of Plaintiff.

3 Daniel L. Wainwright appeared on behalf of defendants Steve Schmitz and City
4 of Hanford.

5 Michael R. Johnson appeared on behalf of defendant and counter-claimant
6 Ronald Silva.

7 III. Discovery Plan and Cut-Off Date

8 The parties are ordered to exchange the initial disclosures required by Fed .R. Civ.
9 P. 26(a)(1) on or before June 29, 2012.

10 The parties are ordered to complete all discovery on or before April 26, 2013.

11 The parties are directed to disclose all expert witnesses, in writing, on or before
12 January 11, 2013, and to disclose all supplemental experts on or before February 1, 2013. The
13 written designation of retained and non-retained experts shall be made pursuant to Fed. R. Civ.
14 P. Rule 26(a)(2), (A), (B) and (C) and shall include all information required thereunder. Failure
15 to designate experts in compliance with this order may result in the Court excluding the
16 testimony or other evidence offered through such experts that are not disclosed pursuant to this
17 order.
18

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

3 IV. Pre-Trial Motion Schedule

4 All Non-Dispositive Pre-Trial Motions, including any discovery motions, shall be
5 filed no later than May 1, 2013 and heard on or before May 24, 2013. Non-dispositive motions
6 are heard on Fridays at 9:00 a.m., before the Honorable Dennis L. Beck, United States
7 Magistrate Judge in Courtroom 9. Counsel must comply with Local Rule 251 with respect to
8 discovery disputes or the motion will be denied without prejudice and dropped from calendar.
9

10 Discovery Disputes

11 No written discovery motions shall be filed without the prior approval of the
12 Magistrate Judge. A party with a discovery dispute must first confer with the opposing party in a
13 good faith effort to resolve by agreement the issues in dispute. If that good faith effort is
14 unsuccessful, the moving party shall then seek a prompt conference with the Magistrate Judge by
15 telephone. The Clerk will inform counsel of the time and date of the telephone conference and it
16 shall be the responsibility of the moving party to initiate the telephone conference call to
17 chambers. The recording of telephone hearings or conferences with the Court is prohibited,
18 except with prior permission of the Court. The request for a conference with the Court carries
19 with it a professional representation by the lawyer that a conference has taken place and that he
20 or she has made a good faith effort to resolve the dispute.
21

22 The lawyers or unrepresented parties shall supply the judicial officer with the
23 particular discovery materials (such as objectionable answers to interrogatories) that are needed
24 to understand the dispute.
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1 In scheduling such motions, the Magistrate Judge may grant applications for an
2 order shortening time pursuant to Local Rule 144(e). However, if counsel does not obtain an
3 order shortening time, the notice of motion must comply with Local Rule 251.

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

9 All Dispositive Pre-Trial Motions shall be filed no later than June 4, 2013 and
10 heard no later than July 30, 2013, in Courtroom 4 before the Honorable Lawrence J. O'Neill,
11 United States District Court Judge. In scheduling such motions, counsel shall comply with
12 Fed.R.Civ.P 56 and Local Rules 230 and 260.

14 Motions for Summary Judgment or Summary Adjudication

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

18 The purpose of the meeting shall be to: 1) avoid filing motions for summary
19 judgment where a question of fact exists; 2) determine whether the respondent agrees that the
20 motion has merit in whole or in part; 3) discuss whether issues can be resolved without the
21 necessity of briefing; 4) narrow the issues for review by the court; 5) explore the possibility of
22 settlement before the parties incur the expense of briefing a summary judgment motion; 6) to
23 arrive at a joint statement of undisputed facts.
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1 The moving party shall initiate the meeting and provide a draft of the joint
2 statement of undisputed facts. In addition to the requirements of Local Rule 260 the moving
3 party shall file a joint statement of undisputed facts.

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

7 V. Pre-Trial Conference Date

8 September 25, 2013 at 8:30 a.m. in Courtroom 4 before Judge O'Neill.

9 The parties are ordered to file a Joint Pretrial Statement pursuant to Local Rule
10 281(a)(2). The parties are further directed to submit a digital copy of their pretrial statement in
11 Word format, directly to Judge O'Neill's chambers by email at LJOOrders@caed.uscourts.gov.
12

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

20 November 19, 2013 at 8:30 a.m. in Courtroom 4 before the Honorable Lawrence
21 J. O'Neill, United States District Court Judge.

22 A. This is a jury trial.

23 B. Counsels' Estimate of Trial Time: 7 to 8 days.

24 C. Counsel's attention is directed to Local Rules of Practice for the Eastern
25 District of California, Rule 285.
26

1 VII. Settlement Conference

2 A Settlement Conference is scheduled for October 17, 2012 at 10:00 a.m.in
3 Courtroom 9 before the Honorable Dennis L. Beck, U.S. Magistrate Judge.

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

7 CONFIDENTIAL SETTLEMENT CONFERENCE STATEMENT

8 At least five (5) court days prior to the Settlement Conference the parties shall
9 submit, directly to Judge Beck's chambers by e-mail to DLBOrders@caed.uscourts.gov, a
10 Confidential Settlement Conference Statement. The statement should not be filed with the Clerk
11 of the Court nor served on any other party, although the parties may file a Notice of Lodging of
12 Settlement Conference Statement Each statement shall be clearly marked "confidential" with the
13 date and time of the Settlement Conference indicated prominently thereon.
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15 The Confidential Settlement Conference Statement shall include the following:

- 16 A. A brief statement of the facts of the case.
- 17 B. A brief statement of the claims and defenses, i.e., statutory or other
18 grounds upon which the claims are founded; a forthright evaluation of the parties' likelihood of
19 prevailing on the claims and defenses; and a description of the major issues in dispute.
- 20 C. A summary of the proceedings to date.
- 21 D. An estimate of the cost and time to be expended for further discovery,
22 pretrial and trial.
- 23 E. The relief sought.
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1 F. The party's position on settlement, including present demands and
2 offers and a history of past settlement discussions, offers and demands.

3 VIII. Request for Bifurcation, Appointment of Special Master, or other Techniques to
4 Shorten Trial

5 Not applicable at this time.

6 IX. Related Matters Pending

7 There are no pending related matters.

8 X. Compliance with Federal Procedure

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

15 XI. Effect of this Order

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

21 Stipulations extending the deadlines contained herein will not be considered
22 unless they are accompanied by affidavits or declarations, and where appropriate attached
23 exhibits, which establish good cause for granting the relief requested.
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Failure to comply with this order may result in the imposition of sanctions.

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IT IS SO ORDERED.

Dated: May 23, 2012

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE