

1 **II. Appearances of Counsel**

2 Plaintiff appeared in propria persona.

3 Heather Cohen appeared on behalf of Defendants.

4 **III. Consent to Magistrate Judge Jurisdiction**

5 The parties have indicated their willingness to consent to the jurisdiction of the United States
6 Magistrate Judge for any and all further proceedings in this case. (Doc. 71 at 11.) Accordingly, the
7 matter has been reassigned to the United States Magistrate Judge.

8 **IV. Pleading Amendment Deadline**

9 Any requested pleading amendments are ordered to be filed, either through a stipulation or
10 motion to amend, no later than **June 30, 2014**.

11 **V. Discovery Plan and Cut-Off Date**

12 The parties are ordered to exchange the initial disclosures required by Fed. R. Civ. P. 26(a)(1)
13 on or before **June 16, 2014**.

14 The parties are ordered to complete all discovery, pertaining to non-experts on or before
15 **February 17, 2015**, and pertaining to experts on or before **April 20, 2015**.

16 The parties are directed to disclose all expert witnesses, in writing, on or before **February 27,**
17 **2015**, and to disclose all rebuttal experts on or before **March 23, 2015**. The written designation of
18 retained and non-retained experts shall **be made pursuant to Fed. R. Civ. P. Rule 26(a)(2), (A), (B),**
19 **and (C) and shall include all information required thereunder**. Failure to designate experts in
20 compliance with this order may result in the Court excluding the testimony or other evidence offered
21 through such experts that are not disclosed pursuant to this order.

22 The written designation of retained and non-retained experts shall **be made pursuant to Fed. R.**
23 **Civ. P. 26(a)(2), (A), (B), and (C) and shall include all information required thereunder**. Failure to
24 designate experts in compliance with this order may result in the Court excluding the testimony or other
25 evidence offered through such experts that are not disclosed pursuant to this order.

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

1 striking the expert designation and preclusion of expert testimony.

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

4 A mid-discovery status conference is scheduled for **November 10, 2014**, at 9:30 a.m. before the
5 Honorable Jennifer L. Thurston, United States Magistrate Judge, located at the United States District
6 Courthouse located at 510 19th Street, Bakersfield, California. A Joint Mid-Discovery Status
7 Conference Report, carefully prepared and executed by all counsel, shall be electronically filed in
8 CM/ECF, one full week prior to the Conference and shall be e-mailed, in Word format to,
9 JLTorders@caed.uscourts.gov. Counsel may appear via CourtCall, provided a written request to so
10 appear is made to the Magistrate Judge's Courtroom Clerk no later than five court days before the
11 noticed hearing date.

12 **VI. Pre-Trial Motion Schedule**

13 All non-dispositive pre-trial motions, including any discovery motions, shall be filed no later
14 than **April 27, 2015**, and heard on or before **May 26, 2015**. Non-dispositive motions are heard at 9:00
15 a.m. at the United States District Courthouse in Bakersfield, California, before the Honorable Jennifer
16 L. Thurston, United States Magistrate Judge.

17 No written discovery motions shall be filed without the prior approval of the assigned
18 Magistrate Judge. A party with a discovery dispute must first confer with the opposing party in a good
19 faith effort to resolve by agreement the issues in dispute. If that good faith effort is unsuccessful, the
20 moving party promptly shall seek a telephonic hearing with all involved parties and the Magistrate
21 Judge. It shall be the obligation of the moving party to arrange and originate the conference call to the
22 court. To schedule this telephonic hearing, the parties are ordered to contact Courtroom Deputy Clerk,
23 Susan Hall at (661) 326-6620 or via email at SHall@caed.uscourts.gov. **Counsel must comply with**
24 **Local Rule 251 with respect to discovery disputes or the motion will be denied without prejudice**
25 **and dropped from calendar.**

26 In scheduling such motions, the Magistrate Judge may grant applications for an order shortening
27 time pursuant to Local Rule 144(e). However, if the party does not obtain an order shortening time, the
28 notice of motion must comply with Local Rule 251.

1 Counsel may appear and argue non-dispositive motions by via CourtCall, provided a written
2 request to so appear is made to the Magistrate Judge's Courtroom Clerk no later than five court days
3 before the noticed hearing date.

4 All dispositive pre-trial motions shall be filed no later than **June 8, 2015**, and heard no later
5 than **July 20, 2015**, before the Honorable Jennifer L. Thurston, United States Magistrate Judge, at the
6 United States District Courthouse in Bakersfield, California. In scheduling such motions, **counsel shall**
7 **comply with Fed. R. Civ. P. 56 and Local Rules 230 and 260.**

8 **VII. Motions for Summary Judgment or Summary Adjudication**

9 Prior to filing a motion for summary judgment or motion for summary adjudication the parties
10 are **ORDERED** to meet, in person or by telephone, and confer to discuss the issues to be raised in the
11 motion.

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

17 The moving party shall initiate the meeting and provide a draft of the joint statement of
18 undisputed facts. **In addition to the requirements of Local Rule 260, the moving party shall file a**
19 **joint statement of undisputed facts.**

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

22 **VIII. Pre-Trial Conference Date**

23 **September 14, 2015** at 8:30 a.m. at the United States District Courthouse in Bakersfield,
24 California before the Honorable Jennifer L. Thurston, United States Magistrate Judge.

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

28 The parties' attention is directed to **Rules 281 and 282 of the Local Rules** of Practice for the

1 Eastern District of California, as to the obligations of counsel in preparing for the pre-trial conference.
2 The Court will insist upon strict compliance with those rules. In addition to the matters set forth in the
3 Local Rules the Joint Pretrial Statement shall include a Joint Statement of the case to be used by the
4 Court to explain the nature of the case to the jury during voir dire.

5 **IX. Trial Date**

6 **October 20, 2015** at 8:30 a.m. at the United States District Courthouse in Bakersfield,
7 California, before the Honorable Jennifer L. Thurston, United States Magistrate Judge.

- 8 A. This is a jury trial.
9 B. The parties' Estimate of Trial Time: 5-7 days.
10 C. The parties' attention is directed to Local Rules of Practice for the Eastern District of
11 California, Rule 285.

12 **X. Settlement Conference**

13 The parties may notify the Court if they agree the matter is in a settlement posture, at which
14 time a settlement conference will be set before a United States Magistrate Judge.

15 **XI. Request for Bifurcation, Appointment of Special Master, or other Techniques to Shorten**
16 **Trial**

17 Not applicable at this time.

18 **XII. Related Matters Pending**

19 There are no pending related matters.

20 **XIII. Compliance with Federal Procedure**

21 All counsel and parties appearing pro se are expected to familiarize themselves with the Federal
22 Rules of Civil Procedure and the Local Rules of Practice of the Eastern District of California, and to
23 keep abreast of any amendments thereto. The Court must insist upon compliance with these Rules to
24 efficiently handle its increasing case load, and sanctions will be imposed for failure to follow the
25 Federal Rules of Civil Procedure and the Local Rules of Practice for the Eastern District of California.

26 **XIV. Effect of this Order**

27 The foregoing order represents the best estimate of the court and counsel as to the agenda most
28 suitable to dispose of this case. The trial date reserved is specifically reserved for this case. If the

1 parties determine at any time that the schedule outlined in this order cannot be met, counsel are ordered
2 to notify the court immediately of that fact so that adjustments may be made, either by stipulation or by
3 subsequent status conference.

4 **The dates set in this Order are considered to be firm and will not be modified absent a**
5 **showing of good cause even if the request to modify is made by stipulation.** Stipulations
6 extending the deadlines contained herein will not be considered unless they are accompanied by
7 affidavits or declarations, and where appropriate attached exhibits, which establish good cause
8 for granting the relief requested.

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

10
11 IT IS SO ORDERED.

12 Dated: May 30, 2014

13 /s/ Jennifer L. Thurston
14 UNITED STATES MAGISTRATE JUDGE