





1 7/15/2013, and to disclose all rebuttal experts on or before 8/1/2013. The written designation of  
2 retained and non-retained experts shall **be made pursuant to Fed. R. Civ. P. Rule 26(a)(2), (A),**  
3 **(B) and (C) and shall include all information required thereunder.** Failure to designate experts  
4 in compliance with this order may result in the Court excluding the testimony or other evidence  
5 offered through such experts that are not disclosed pursuant to this order. The provisions of Fed.  
6 R. Civ. P. 26(b)(4) and (5) shall apply to all discovery relating to experts and their opinions. Experts  
7 must be fully prepared to be examined on all subjects and opinions included in the designation.  
8 Failure to comply will result in the imposition of sanctions, which may include striking the expert  
9 designation and preclusion of expert testimony.

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

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

13 All non-dispositive pre-trial motions, including any discovery motions, shall be filed  
14 by no later than 4:00 p.m. on 9/9/2013, and heard on or before 10/9/2013. Non-dispositive motions  
15 are heard on Wednesdays at 9:30 a.m., before the Honorable Sheila K. Oberto, United States  
16 Magistrate Judge in Courtroom 7. **Counsel must comply with Local Rule 251 with respect to**  
17 **discovery disputes or the motion will be denied without prejudice and dropped from calendar.**

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

21 The parties are advised that unless prior leave of the Court is obtained, all moving  
22 and opposition briefs or legal memorandum in civil cases before Judge Oberto shall not exceed  
23 thirty (30) pages. Reply briefs by the moving party shall not exceed ten (10) pages. These page  
24 limitations do not include exhibits. Briefs that exceed this page limitation, or that are sought to be  
25 filed without leave, may not be considered by the Court. In addition, all pleadings shall be filed by  
26 no later than 4:00 p.m. on the due date.



1 The moving party shall initiate the meeting and provide a draft of the joint statement  
2 of undisputed facts. **In addition to complying with the requirements of Local Rule 260, the**  
3 **moving 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 confer.

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

7 January 15, 2014, at 2:00 p.m. in Courtroom 7 before the Honorable Sheila K. Oberto,  
8 United States Magistrate Judge.

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 Word  
11 Perfect X3<sup>1</sup> format, directly to Judge O'Neill's chambers by email at LJOorders@caed.uscourts.gov.

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

17 **VIII. Trial Date**

18 February 25, 2014, at 8:30 a.m. in Courtroom 7 before the Honorable Sheila K.  
19 Oberto, United States Magistrate Judge.

20 A. This is a Jury Trial.

21 B. Counsel's estimate of trial time: 7 days.

22 C. Counsel's attention is directed to Local Rules of Practice for the Eastern  
23 District of California, Rule 285 for preparation of trial briefs.

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26 <sup>1</sup> If WordPerfect X3 is not available to the parties then the latest version of WordPerfect  
27 or any other word processing program in general use for IBM compatible personal computers is  
28 acceptable.



1 D. An estimate of the cost and time to be expended for further discovery,  
2 pretrial and trial.

3 E. The relief sought.

4 F. The party's position on settlement, including present demands and offers  
5 and a history of past settlement discussions, offers and demands.

6 **X. Request for Bifurcation, Appointment of Special Master, or Other Techniques**  
7 **to Shorten Trial**

8 Not applicable at this time.

9 **XI. Related Matters Pending**

10 There are no pending related matters.

11 **XII. Compliance with Federal Procedure**

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

18 **XIII. Effect of this Order**

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

24 **The dates set in this Order are considered to be firm and will not be modified**  
25 **absent a showing of good cause even if the request to modify is made by stipulation.**  
26 **Stipulations extending the deadlines contained herein will not be considered unless they are**

1 **accompanied by affidavits or declarations, and where appropriate attached exhibits, which**  
2 **establish good cause for granting the relief requested.**

3           The failure to comply with this order may result in the imposition of sanctions.

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5 IT IS SO ORDERED.

6 **Dated: December 13, 2012**

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE

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