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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

DENNIS BURTON et al.,)	Case No.: 1:13-CV-00307 LJO JLT
)	
Plaintiffs,)	FIRST AMENDED SUPPLEMENTAL
)	SCHEDULING ORDER (Fed. R. Civ. P. 16)
v.)	
)	
NATIONSTAR MORTGAGE, LLC,)	Class Discovery Deadlines:
)	Non Expert: 5/2/2014
Defendant.)	Expert: 7/3/2014
)	
		Class Certification Motion Deadlines:
)	Filing: 7/28/2014
)	Opposition: 8/25/2014
)	Reply briefs: 9/8/2014
)	Hearing: 10/6/2014. 9:00 a.m.

I. Discovery Plan and Cut-Off Date

The parties are ordered to complete all class discovery pertaining to non-experts on or before **May 2, 2014**, and all class discovery pertaining to experts on or before **July 3, 2014**.

The parties are directed to disclose all class-related expert witnesses, in writing, on or before **May 9, 2014**, and to disclose all rebuttal experts on or before **June 9, 2014**. The written designation of retained and non-retained experts shall **be made pursuant to Fed. R. Civ. P. Rule 26(a)(2), (A), (B), and (C) and shall include all information required thereunder**. Failure to designate experts in compliance with this order may result in the Court excluding the testimony or other evidence offered through such experts that are not disclosed pursuant to this order.

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

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

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

8 No written discovery motions shall be filed without prior approval of the assigned Magistrate
9 Judge. A party with a discovery dispute must first confer with the opposing party in a good faith effort
10 to resolve by agreement the issues in dispute. If that good faith effort is unsuccessful, the moving party
11 promptly shall seek a telephonic hearing with all involved parties and the Magistrate Judge. It shall be
12 the obligation of the moving party to arrange and originate the conference call to the court. To
13 schedule this telephonic hearing, the parties are ordered to contact Courtroom Deputy Clerk, Susan Hall
14 at (661) 326-6620 or via email at SHall@caed.uscourts.gov. **Counsel must comply with Local Rule**
15 **251 with respect to discovery disputes or the motion will be denied without prejudice and**
16 **dropped from calendar.**

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

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

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

24 Prior to filing a motion for summary judgment or motion for summary adjudication the parties
25 are **ORDERED** to meet, in person or by telephone, and confer to discuss the issues to be raised in the
26 motion **at least 21 days before** the filing of the motion.

27 The purpose of the meeting shall be to: 1) avoid filing motions for summary judgment where a
28 question of fact exists; 2) determine whether the respondent agrees that the motion has merit in whole

1 or in part; 3) discuss whether issues can be resolved without the necessity of briefing; 4) narrow the
2 issues for review by the court; 5) explore the possibility of settlement before the parties incur the
3 expense of briefing a summary judgment motion; 6) to arrive at a joint statement of undisputed facts.

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

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

9 **VIII. Motion for Class Certification**

10 The motion for class certification SHALL be filed no later than **July 28, 2014**. Opposition to
11 the motion SHALL be filed no later than **August 25, 2014**. Neither the motion nor the opposition
12 SHALL exceed 25 pages, exclusive of evidence. Any reply SHALL be filed no later than **September**
13 **8, 2014**. Any objections to the evidence SHALL be filed at the same time as the opposition (for
14 Defendant) or the reply (for Plaintiffs).¹ A hard-copy, courtesy copy of all filings SHALL be sent via
15 overnight mail to the Chambers of Judge Thurston at the United States Courthouse, 510 19th Street
16 Suite 200, Bakersfield, CA 93301, at the same time the filing is submitted. All of the evidence in the
17 hard-copy SHALL be numbered, tabbed and indexed.

18 The hearing on the motion for class certification is set on **October 6, 2014**, at 9:00 a.m. before
19 Judge Thurston.

20 **XIII. Compliance with Federal Procedure**

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

26 **XIV. Effect of this Order**

27 **The Court does not anticipate granting any further extensions of any deadlines set forth**
28 _____

¹ No motions to strike evidence will be entertained. If objections are sustained, the evidence will not be considered.

1 herein absent a showing of extraordinary good cause.

2
3 IT IS SO ORDERED.

4 Dated: February 26, 2014

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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