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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

A.A., L.A., A., Jr. A.,  
Plaintiffs,  
vs.  
CLOVIS UNIFIED SCHOOL DISTRICT,  
CLOVIS SELPA, AND  
ADMINISTRATOR MARY BASS,  
Defendants.

1:13-CV-1043-AWI-SMS

**ORDER SETTING MANDATORY  
SCHEDULING CONFERENCE  
REQUIRING THE PARTIES  
TO CONFER PURSUANT TO  
F.R.CIV.P. 26(f)**

**DATE: 10/9/13  
TIME: 10:00 AM  
CTRM: 1 ~ 8th Floor**

**HONORABLE SANDRA M. SNYDER  
UNITED STATES MAGISTRATE JUDGE**

Pursuant to the reassignment of this matter from Magistrate Judge Stanley A. Boone to Magistrate Judge Sandra M. Snyder, issued on 7/9/2013, a Mandatory Scheduling Conference is set as referenced above.

**Fed.R.Civ.P. 26(f)** requires that, no later than 21 days before the Scheduling Conference, the parties must "...confer to consider the nature and basis of their claims and defenses and the possibilities for a prompt settlement or resolution of the case, to make or arrange for the disclosures required by Rule 26(a)(1), and to develop a proposed discovery plan."

**Fed.R.Civ.P. 26(d)** provides that, unless authorized by F.R.Civ.P. or by order or agreement of the parties, no party may

1 seek discovery from any source before the parties have conferred  
2 as required by Rule 26(f).

3 **Fed.R.Civ.P. 26(a)(1)** requires that, without waiting for a  
4 discovery request, a party must provide to other parties:

5 (1) the name, address, and telephone number of each  
6 individual likely to have discoverable information that the  
7 disclosing party may use to support its claims or defenses  
8 identifying the subjects of the information;

9 (2) a copy of, or a description by category and location  
10 of, all documents, data compilations, and tangible things that  
11 are in the possession, custody, or control of the party, and that  
12 the disclosing party may use to support its claims or defenses;

13 (3) a computation of any category of damages claimed by the  
14 disclosing party, making available for inspection and copying as  
15 under Rule 34 the documents or other evidentiary material on  
16 which such computation is based, including materials bearing on  
17 the nature and extent of injuries suffered; and,

18 (4) for inspection and copying as under Rule 34 any  
19 insurance agreement under which any person carrying on an  
20 insurance business can be liable to satisfy part or all of a  
21 judgment which may be entered in the action or to indemnify or  
22 reimburse for payments made to satisfy the judgment.

23 Attendance at the Scheduling Conference is *mandatory* upon  
24 each party not represented by counsel or, alternatively, by  
25 retained counsel. Only counsel who are thoroughly familiar with  
26 the facts and law of the instant case, and who have full  
27 authority to bind the client, shall appear. Trial counsel should  
28 participate in this Scheduling Conference whenever possible. It

1 may be necessary for counsel to spend as much as 30-45 minutes in  
2 this Conference.

3 A Joint Scheduling Report, carefully and completely prepared  
4 and executed by all counsel, shall be electronically filed in  
5 CM/ECF, in full compliance with the requirements set forth in  
6 Exhibit "A" below, one (1) full week prior to the Scheduling  
7 Conference, and shall be e-mailed, in WordPerfect or Word format,  
8 to [smsorders@caed.uscourts.gov](mailto:smsorders@caed.uscourts.gov).

9 **EXHIBIT "A"**

10 At least twenty (20) days prior to the Scheduling  
11 Conference, actual trial counsel for all parties shall conduct  
12 and conclude a conference at a time and place arranged by counsel  
13 for plaintiff(s). This conference shall preferably be a personal  
14 conference between counsel but, due to the distance involved in  
15 this District, a telephonic conference involving all counsel is  
16 permissible. The Joint Scheduling Report shall respond to the  
17 following items by corresponding number paragraphs:

18 1. Summary of the factual and legal contentions set forth  
19 in the pleadings of each party, including the relief sought by  
20 any party presently before the Court.

21 2. Any proposed amendment to the pleadings presently on  
22 file shall be filed by its proponent contemporaneously with  
23 the Joint Scheduling Report. If the matter cannot be resolved at  
24 the Scheduling Conference, the matter will be set as a Motion to  
25 Amend in accordance with the Rules of Practice of the Eastern  
26 District of California.

27 3. A summary detailing the uncontested and contested  
28 facts.

1           4.    A summary of the legal issues as to which there is no  
2 dispute, i.e., jurisdiction, venue, applicable federal or state  
3 law, etc., as well as a summary of the disputed legal issues.

4           5.    The status of all matters which are presently set  
5 before the Court, i.e., hearing all motions, etc.

6           6.    A complete and detailed discovery plan, including:

7               (a)   A report of the results of the conference required  
8 by Federal Rules of Civil Procedure 26(f);

9               (b)   Any proposed changes in the timing, form, or  
10 requirement for disclosures required under F.R.Civ.P. 26(a);

11              (c)   Any changes which should be made in the  
12 limitations on discovery imposed under F.R.Civ.P. 30, 31, 33;

13              (d)   An outline of the subjects on which discovery may  
14 be needed;

15              (e)   Whether discovery should be conducted in phases or  
16 be limited to or focused upon particular subjects;

17              (f)   A firm cut-off date for discovery; and,

18              (g)   A proposed date for disclosure of expert witnesses  
19 pursuant to F.R.Civ.P.26(a) (2).

20           7.    Dates agreed to by all counsel for:

21               (a)   Filing pre-trial motions, with the understanding  
22 that motions will not be entertained after the agreed upon  
23 date. (No later than 45 days prior to the proposed Pre-Trial  
24 Conference date.)

25               (b)   Pre-Trial Conference date.

26               (c)   Trial date.

27           All of these dates should be considered firm dates.  
28 Dates should be set to allow the Court to decide any matters

1 under submission before the Pre-Trial Conference is set.

2 8. At the conference referred to above, counsel are  
3 encouraged to discuss settlement, and the Court will expect a  
4 statement in the Joint Scheduling Report as to the possibility of  
5 settlement. Counsel shall indicate when they feel a settlement  
6 conference should occur, i.e., before further discovery, after  
7 discovery, after pre-trial motion(s), etc.

8 9. A statement as to whether the case is a jury or  
9 non-jury case.

10 10. An estimate of the number of trial days required. When  
11 counsel cannot agree, each party shall give their best estimate.

12 11. Whether either party requests bifurcation of trial or  
13 has any other suggestion for shortening trial. It should be  
14 noted that all federal tort claim cases are bifurcated as a  
15 matter of course.

16 12. Whether this matter is related to any matter pending in  
17 this court or any other court, including any bankruptcy court.

18 13. Joint Scheduling Reports are to be e-mailed, in  
19 WordPerfect or Word format, to [smsorders@caed.uscourts.gov](mailto:smsorders@caed.uscourts.gov).

20 For reference purposes, the Court requires that counsels'  
21 Joint Scheduling Report indicate that date, time, and courtroom  
22 of the Scheduling Conference opposite the caption on the first  
23 page of the Report.

24 **Counsel may request that their attendance be by telephonic**  
25 **conference.** If two or more parties wish to appear  
26 telephonically, counsel shall decide responsibility for making  
27 prior arrangements for the conference call with an AT&T operator  
28 (if counsel do not have conference call capabilities on their

1 telephone systems), and shall initiate the call at the above-  
2 designated time. After all parties are on the line, the call  
3 should then be placed to Judge Snyder's chambers at (559)  
4 499-5690. **Additionally, counsel are directed to indicate on the**  
5 **face page of their Joint Scheduling Report that the conference**  
6 **will be telephonic.**

7 SHOULD COUNSEL FAIL TO APPEAR AT THE MANDATORY SCHEDULING  
8 CONFERENCE OR FAIL TO COMPLY WITH THE DIRECTIONS AS SET FORTH  
9 ABOVE, AN EX PARTE HEARING MAY BE HELD AND JUDGMENT OF DISMISSAL,  
10 DEFAULT, OR OTHER APPROPRIATE JUDGMENT MAY BE ENTERED, OR  
11 SANCTIONS, INCLUDING CONTEMPT OF COURT, MAY BE IMPOSED AND/OR  
12 ORDERED.

13  
14 IT IS SO ORDERED.

15  
16 DATED: 7/10/2013

/s/ SANDRA M. SNYDER

UNITED STATES MAGISTRATE JUDGE