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4 UNITED STATES DISTRICT COURT
5 EASTERN DISTRICT OF CALIFORNIA
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7 JOSE LEDESMA,

8 Plaintiff,

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14 v.
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22 ADAME, et al.,
23 Defendants.
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Case No. 1:13-cv-01227-AWI-EPG (PC)

**SCHEDULING CONFERENCE ORDER
AND ORDER DIRECTING CLERK TO
SEND PLAINTIFF A COPY OF THIS
ORDER**

Initial Disclosures: Completed

Nonexpert
Discovery Cutoff: May 25, 2019

Expert Disclosure
Deadline: June 28, 2019

Rebuttal
Expert Disclosure: July 26, 2019

Expert
Discovery Cutoff: August 23, 2019

Dispositive Motion
Filing Deadline: September 20, 2019

Settlement Conf.: Will be Set in a Separate
Order

Status Conf: Date: April 29, 2019
Time: 10:00 a.m.
Dept: 10

Pretrial Conf.: Date: June 11, 2020
Time: 10:00 a.m.
Dept: 2

Jury Trial: Date: August 11, 2020
Time: 8:30 a.m.
Dept: 2

27 This Court conducted a scheduling conference on October 24, 2018. Plaintiff and his
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1 counsel, Emily Johns and Daniel Siegel, telephonically appeared. Counsel Colin Shaff
2 telephonically appeared on behalf of Defendants. Pursuant to Fed. R. Civ. P. 16(b), this Court sets
3 a schedule for this action.

4 **I. Consent to Magistrate Judge**

5 The parties have not consented to Magistrate Judge jurisdiction. Out of fairness, the Court
6 believes it is necessary to forewarn litigants that the Fresno Division of the Eastern District of
7 California now has the heaviest District Court Judge caseload in the entire nation. While the Court
8 will use its best efforts to resolve this case and all other civil cases in a timely manner, the parties
9 are advised that not all of the parties' needs and expectations may be met as expeditiously as
10 desired. As multiple trials are now being set to begin upon the same date, parties may find their
11 case trailing with little notice before the trial begins. The law requires that the Court give any
12 criminal trial priority over civil trials or any other matter. The Court must proceed with a criminal
13 trial even if a civil trial was filed earlier and set for trial first. Continuances of any civil trial under
14 these circumstances will no longer be entertained, absent a specific and stated finding of good
15 cause. All parties should be informed that any civil trial set to begin during the time a criminal trial
16 is proceeding will trail the completion of the criminal trial.

17 The parties are reminded of the availability of United States Magistrate Judge Erica P.
18 Grosjean to conduct all proceedings in this action. A United States Magistrate Judge is available
19 to conduct trials, including entry of final judgment, pursuant to 28 U.S.C. § 636(c), Federal Rule
20 of Civil Procedure 73, and Local Rule 305. The same jury pool is used by both United States
21 Magistrate Judges and United States District Court Judges. Any appeal from a judgment entered
22 by a United States Magistrate Judge is taken directly to the United States Court of Appeal for the
23 Ninth Circuit. However, the parties are hereby informed that no substantive rulings or decisions
24 will be affected by whether a party chooses to consent.

25 Finally, the Fresno Division of the Eastern District of California, whenever possible, is
26 utilizing United States Article III District Court Judges from throughout the nation as Visiting
27 Judges. Pursuant to the Local Rules, Appendix A, reassignments will be random, and the parties
28 will receive no advance notice before their case is reassigned to an Article III District Court Judge

1 from outside of the Eastern District of California. Therefore, the parties are directed to consider
2 consenting to Magistrate Judge jurisdiction to conduct all further proceedings, including trial.

3 **II. Fed. R. Civ. P. 26(a)(1)**

4 Initial disclosures have been exchanged.

5 **III. Discovery Cutoffs and Limits**

6 All non-expert discovery shall be completed no later than **May 25, 2019**. Initial expert
7 witness disclosures shall be served no later than **June 28, 2019**. Rebuttal expert witness disclosures
8 shall be served no later than **July 26, 2019**. Such disclosures must **be made pursuant to Fed. R.**
9 **Civ. P. 26(a)(2)(A), (B) and (C), and shall include all information required thereunder.** In
10 addition, Fed. R. Civ. P. 26(b)(4) and Fed. R. Civ. P. 26(e) specifically apply to discovery relating
11 to expert witnesses and their opinions. Each expert witness must be fully prepared to be examined
12 on all subjects and opinions included in the disclosures. Failure to comply with these requirements
13 will result in the imposition of appropriate sanctions, including the preclusion of the expert's
14 testimony, or of other evidence offered through the expert.

15 All expert discovery shall be completed no later than **August 23, 2019**. The parties are
16 advised that motions to compel must be filed no later than **April 13, 2019**, so that the Court may
17 grant effective relief within the allotted discovery time.

18 A Telephonic Status Conference has been set for **April 29, 2019, at 10:00 a.m.**, before
19 Magistrate Judge Erica P. Grosjean. The parties are directed to file a joint report, of up to five (5)
20 pages, outlining the status of the case, any additional discovery still planned, potential for
21 settlement, and any other issues pending that would benefit from the Court's assistance/direction.
22 The parties shall file the report one full week prior to the conference, and email a copy, in Word
23 format, to epgorders@caed.uscourts.gov. To appear telephonically, each party shall dial 1 (888)
24 251-2909 and enter access code 1024453.

25 Plaintiff shall make arrangements with staff at his institution of confinement for his
26 attendance at the Telephonic Status Conference. Plaintiff's institution of confinement shall make
27 Plaintiff available for the conference at the date and time indicated above. Prior to the conference,
28 defense counsel shall confirm with Plaintiff's institution of confinement that arrangements have

1 been made for Plaintiff's attendance.

2 The Clerk of Court is directed to send Plaintiff a copy of this order.

3 **IV. Pretrial Motion Schedule**

4 **A. *General Information Regarding Filing Motions***

5 The parties are advised that unless prior leave of the Court is obtained before the filing
6 deadline,¹ all moving and opposition briefs or legal memoranda, including joint statements of
7 discovery disputes, filed in civil cases before Magistrate Judge Grosjean, shall not exceed twenty-
8 five (25) pages. Reply briefs by the moving party shall not exceed ten (10) pages. These page
9 limits do not include exhibits. When scheduling motions (other than discovery motions) the parties
10 shall comply with Local Rule 230.

11 Counsel or *pro se* parties may appear and argue motions by telephone, provided a request
12 to so do is made to Michelle Rooney, Magistrate Judge Grosjean's Courtroom Deputy (unless prior
13 permission has been given by the judge), no later than five (5) court days before the noticed hearing
14 date. Requests can be made by emailing Ms. Rooney at mrooney@caed.uscourts.gov. If the parties
15 are appearing telephonically, each party shall dial 1 (888) 251-2909 and enter access code 1024453.

16 **1. *Informal Discovery Conference***

17 In order to file a discovery motion pursuant to Fed. R. Civ. P. 37, a party must receive
18 permission from the Court following an informal telephone conference. A party wishing to
19 schedule such a conference should contact chambers to receive available dates. The Court will
20 schedule the conference as soon as possible, taking into consideration the urgency of the issue.
21 Before contacting the Court, the parties must meet and confer by speaking with each other in
22 person, over the telephone, or via video in an attempt to resolve the dispute.

23 Prior to the conference, both parties shall simultaneously submit letters, outlining their
24 respective positions regarding the dispute. The Court will provide the date the letters are due at the
25 time the conference is scheduled. Such letters shall be no longer than three (3) pages single spaced,
26 and may include up to five (5) pages of exhibits. Letters shall be emailed to Magistrate Judge

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28 ¹ Parties may seek leave through a telephonic conference among all parties and the Court, or by short motion.

1 Grosjean's chambers at epgorders@caed.uscourts.gov, and *not* filed on the docket.

2 At the time of conference, the parties shall dial 1 (888) 251-2909 and enter access code
3 1024453. The conference will not be on the record and the Court will not issue a formal ruling at
4 that time. Nevertheless, the Court will attempt to provide guidance to the parties to narrow or
5 dispose of the dispute. If no resolution can be reached without formal motion practice, the Court
6 will authorize the filing of a formal discovery motion.

7 **2. Discovery Motions**

8 If a motion is brought pursuant to Fed. R. Civ. P. 37, after receiving permission from the
9 Court, the parties must prepare and file a Joint Statement re: Discovery Disagreement ("Joint
10 Statement") as required by Local Rule 251.² In scheduling such motions, Magistrate Judge
11 Grosjean may grant applications for an order shortening time pursuant to Local Rule 144(e).
12 Motions to shorten time will *only* be granted upon a showing of good cause. If a party does not
13 obtain an order shortening time, the notice of motion must comply with Local Rule 251.

14 A Joint Statement, not to exceed twenty-five (25) pages, must be filed seven (7) calendar
15 days before the scheduled hearing date. Prior to the filing of the Joint Statement, the parties must
16 meet and confer as set forth in Local Rule 251(b). In addition to filing the Joint Statement
17 electronically, a copy of the Joint Statement in Word format must be sent to Magistrate Judge
18 Grosjean's chambers via email to epgorders@caed.uscourts.gov. Courtesy copies for any pleading
19 in excess of twenty-five pages (25) (including exhibits) shall also be delivered to chambers via US
20 mail, or hand delivery, at the time the Joint Statement is electronically filed. Motions may be
21 removed from the Court's calendar if the Joint Statement is not timely filed, or if courtesy copies
22 are not timely delivered.

23 **B. Dispositive Motions**

24 Dispositive pre-trial motions shall be served and filed no later than **September 20, 2019**.

25 All dispositive motions will be heard by District Judge Anthony W. Ishii. In scheduling
26 such motions, the parties shall comply with Fed. R. Civ. P. 56 and Local Rules 230 and 260.

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28 ² Certain limited exceptions from filing the required Joint Statement are outlined in Local Rule 251(e).

1 **1. *Motions for Summary Judgment or Summary Adjudication***

2 Prior to filing a motion for summary judgment or motion for summary adjudication, the
3 parties are ordered to meet and confer, in person or by telephone, to discuss the issues to be raised
4 in the motion. **In addition to complying with the requirements of Local Rule 260, the parties**
5 **must prepare a Joint Statement of Undisputed Facts, which identifies all relevant facts subject**
6 **to agreement by all parties.** The moving party is responsible for filing the joint statement. In the
7 notice of motion, the moving party shall certify that the parties have met and conferred as ordered
8 above, or set forth a statement of good cause for the failure to do so.

9 **V. Settlement Conference**

10 The settlement conference will be set in a separate order.

11 **VI. Pretrial Conference**

12 The pretrial conference is set for **June 11, 2020, at 10:00 a.m.** in Courtroom 2, before
13 District Judge Anthony W. Ishii. Counsel for the parties shall appear in person. Plaintiff and
14 Defendants are not required to attend. The parties are directed to file a joint pretrial statement that
15 complies with the requirements of this Court's Local Rule 281. In addition, the joint pretrial
16 statement should include a brief factual summary and an agreed upon neutral statement of the case.
17 An additional copy of the joint pretrial statement, carefully prepared and executed by all counsel,
18 shall be electronically filed in CM/ECF and shall be e-mailed in Word format to Judge Ishii's
19 chambers at awiorders@caed.uscourts.gov.

20 The parties' attention is directed to this Court's Local Rules 281 and 282. This Court will
21 insist upon strict compliance with these rules. At the pretrial conference, the Court will set
22 deadlines to file motions *in limine*, final witness lists, exhibits, jury instructions, objections, and
23 other trial documents.

24 **VII. Trial Date**

25 A jury trial is set for **August 11, 2020, at 8:30 a.m.**, in Courtroom 2, before District Judge
26 Anthony W. Ishii. The parties' attention is directed to this Court's Local Rule 285 for the
27 preparation of trial briefs.

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1 **VIII. Related Matters Pending**

2 There are no related matters pending before this Court.

3 **IX. Compliance with Federal Procedures**

4 All counsel are expected to familiarize themselves with the Federal Rules of Civil Procedure
5 and the Local Rules of the Eastern District of California and to keep abreast of any amendments
6 thereto. The Court requires strict compliance with these rules. Sanctions will be imposed for failure
7 to follow the rules as provided in both the Federal Rules of Civil Procedure and the Local Rules of
8 the Eastern District of California.

9 **X. Effect of This Order**

10 This order represents the Court and the parties' best estimated schedule to complete this
11 case. Any party unable to comply with the dates outlined in this order shall immediately file an
12 appropriate motion or stipulation identifying the requested modification(s).

13 *The dates set in this Order are considered to be firm and will not be modified absent a*
14 *showing of good cause, even if a stipulation to modify is filed.* Stipulations extending the
15 deadlines contained herein will not be considered unless they are accompanied by affidavits or
16 declarations with attached exhibits, where appropriate, that establish good cause for granting the
17 requested relief. Due to the impacted nature of the civil case docket, this Court disfavors requests
18 to modify established dates.

19 Failure to comply with this order shall result in the imposition of sanctions.

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21 IT IS SO ORDERED.

22 Dated: October 24, 2018

23 /s/ Eric P. Gray
24 UNITED STATES MAGISTRATE JUDGE
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