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

BRUCE DWIGHT SUTTON,

Plaintiff,

v.

MANAGEMENT & TRAINING
CORPORATION,

Defendant.

) 1: 13-CV-01344-AWI - JLT
)
) FURTHER SCHEDULING ORDER
)
) Briefing related to MTC’s duties:
) Filing deadline: 2/24/2017
) Response deadline: 3/17/2017
)
) Expert Discovery Deadline: 3/13/2017
)
) Non-Dispositive Motion Deadlines:
) Filing: 3/27/2017
) Hearing: 4/24/2017
)
) Pre-Trial Conference:
) 6/28/2017 at 10:00 a.m.
) Courtroom 2
)
) Trial: 9/26/2017 at 8:30 a.m.
) Courtroom 2
) Jury trial: 3-5 days

On January 3, 2017, the parties filed a Joint Status Report following the remand from the Ninth Circuit. On January 9, 2017, the Court held a further scheduling conference with the parties, which agreed to comply with the following deadlines for the remainder of the action.

I. Briefing

As noted by the parties, the Ninth Circuit remanded the matter “to proceed to trial on the issue of whether MTC unreasonably failed to undertake actions to reduce the inmates’ risk of infection.”

1 (Doc. 75 at 4) In addition, the Court was “instructed to determine whether there is a genuine issue of
2 material fact as to whether MTC breached its duty to warn as a possessor of land.” (Id.) The parties
3 SHALL file briefing on this issue no later than **February 24, 2017**. Any briefs in reply **SHALL** be
4 filed no later than **March 17, 2017**.

5 **II. Expert Discovery**

6 The parties have already disclosed experts but have not yet conducted expert discovery. They
7 **SHALL** complete all discovery related to experts no later than **March 13, 2017**.

8 **III. Pre-Trial Motion Schedule**

9 The parties have agreed to continue expert discovery. Any non-dispositive pre-trial motions
10 related to the expert discovery shall be filed no later than **March 27, 2017**, and heard on or before
11 **April 24, 2017**. Non-dispositive motions are heard at 9:00 a.m., before the Honorable Jennifer L.
12 Thurston, United States Magistrate Judge, at the United States District Courthouse located at 510 19th
13 Street, Bakersfield, California.

14 No written motions related to the expert discovery shall be filed without the prior approval of
15 the assigned Magistrate Judge. A party with a discovery dispute must first confer with the opposing
16 party in a good faith effort to resolve the issues in dispute. If that good faith effort is unsuccessful, the
17 party shall seek a telephonic hearing with all involved parties and the Magistrate Judge, by contacting
18 the Courtroom Deputy Clerk, Susan Hall, at (661) 326-6620 or via email at SHall@caed.uscourts.gov.

19 **Counsel must comply with Local Rule 251 with respect to discovery disputes or the motion will be**
20 **denied without prejudice and dropped from calendar.**

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

24 **IV. Pre-Trial Conference Date**

25 **June 28, 2017**, at 10:00 a.m. in Courtroom 2 before Judge Ishii.

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

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

6 **V. Trial Date**

7 **September 26, 2017**, at 8:30 a.m. in Courtroom 2 before the Honorable Anthony W. Ishii,
8 United States District Court Judge.

- 9 A. This is a jury trial.
10 B. Counsels' Estimate of Trial Time: 3-5 days.
11 C. Counsels' attention is directed to Local Rules of Practice for the Eastern District of
12 California, Rule 285.

13 **VI. Settlement Conference**

14 If the parties believe the action is in a settlement posture and a conference with the Court would
15 be fruitful, they may file a joint written request for a settlement conference, proposing dates with at
16 least thirty days' notice. At that time, notwithstanding the requirements of Local Rule 270(b), the
17 settlement conference will be conducted by Magistrate Judge Thurston. The Court deems the deviation
18 from the Local Rule to be appropriate and in the interests of the parties and justice and sound case
19 management based upon the location of the parties. **If any party prefers that the settlement**
20 **conference be conducted by a different judicial officer, that party is directed to notify the Court**
21 **no later than 60 days in advance of the scheduled settlement conference** to allow sufficient time for
22 another judicial officer to be assigned to handle the conference.

23 **VII. Effect of this Order**

24 The foregoing order represents the best estimate of the court and counsel as to the agenda most
25 suitable to dispose of this case. If the parties determine at any time that the schedule outlined in this
26 order cannot be met, counsel are ordered to notify the court immediately of that fact so that adjustments
27 may be made, either by stipulation or by subsequent status conference.

28 **The dates set in this Order are considered to be firm and will not be modified absent a**

1 **showing of good cause even if the request to modify is made by stipulation.** Failure to comply with
2 this order may result in the imposition of sanctions.

3
4 IT IS SO ORDERED.

5 Dated: January 10, 2017

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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