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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ROBERT GOH, M.D.,

Plaintiff,

v.

DEPARTMENT OF THE AIR FORCE;
DEBORAH LEE JAMES, Secretary,

Defendants.

Case No. 1:14-cv-00315-LJO-SKO

SCHEDULING ORDER

The Court conducted a telephonic scheduling conference on December 9, 2014. Counsel Alexandra De Rivera, Esq., appeared on behalf of Plaintiff. Counsel Gregory Broderick, Esq., appeared on behalf of Defendants. Pursuant to Fed. R. Civ. P. 16(b), this Court sets a schedule for this action.

1. Current Status of Consent to the Magistrate Judge Jurisdiction

Pursuant to 28 U.S.C. § 636(c), the parties have not consented to conduct all further proceedings in this case, including trial, before the Honorable Sheila K. Oberto, U.S. Magistrate Judge.

2. Scheduling Deadlines

This case involves judicial review of a final agency determination under the Administrative Procedures Act, 5 U.S.C. § 706. With respect to the administrative records and dispositive motions, the parties have agreed to the following dates and deadlines:

Event	Date/Deadline
Plaintiff shall file any amendment to any pleadings	December 9, 2014
Parties shall meet and confer regarding the contents of the Administrative Record prior to lodging it with the Court, and will eliminate all disputes as to the contents of the record	December 23, 2014
Defendants shall produce to Plaintiff and lodge with the Court the final Administrative Record.	December 23, 2014
Filing of Plaintiff's opening brief	February 6, 2015
Filing of Defendant's response brief	March 10, 2015
Filing of Plaintiff's reply brief	March 24, 2015
Hearing before U.S. District Judge Lawrence J. O'Neill, Courtroom 4	April 7, 2015

14 **3. Lodging and Serving the Administrative Record**

15 The parties have agreed that the administrative record shall be limited to documents
16 relevant to Plaintiff's claim that the investigation and review of his medical services applied the
17 wrong standards in determining whether to renew his hospital privileges, and that the Air Force
18 acted arbitrarily and capriciously in adopting the review panel's recommendation to restrict his
19 privileges and to engage in a more comprehensive review of his record-keeping for a time.

20 Defendants shall lodge one copy of the electronic version of the administrative record with
21 the Clerk of the Court, and provide one courtesy copy to Judge O'Neill's chambers.

22 **4. Statement of Disputed Facts**

23 The parties do not set forth any contested facts at this time, but agree that the record speaks
24 for itself and that they may have differing interpretations of the record once it is lodged.

25 **5. Compliance with Federal Procedure**

26 All counsel are expected to familiarize themselves with the Federal Rules of Civil
27 Procedure and the Local Rules of Practice of the Eastern District of California, and to keep abreast
28 of any amendments thereto. The Court must insist upon compliance with these Rules if it is to

1 efficiently handle its increasing case load and sanctions will be imposed for failure to follow the
2 Rules as provided in both the Federal Rules of Civil Procedure and the Local Rules of Practice for
3 the Eastern District of California.

4 **6. Effect of this Order**

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

9 **The dates set in this Order are considered to be firm and will not be modified absent**
10 **a showing of good cause even if the request to modify is made by stipulation. Stipulations**
11 **extending the deadlines contained herein will not be considered unless they are accompanied**
12 **by affidavits or declarations, and where appropriate, attached exhibits, which establish good**
13 **cause for granting the relief requested.**

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

15
16 IT IS SO ORDERED.

17 Dated: December 10, 2014

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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