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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DEBRA ANGLIN,)	1: 14-CV-00528 - JLT
)	
Plaintiff,)	SCHEDULING ORDER (Fed. R. Civ. P. 16)
)	
v.)	Pleading Amendment Deadline: 11/10/2014
)	
LA SALSA FAMILY RESTAURANT,)	Discovery Deadlines:
)	Initial Disclosures: 8/20/2014
Defendant.)	Non-Expert: 6/22/2015
)	Expert: 6/22/2015
)	Mid-Discovery Status Conference:
)	1/13/2015, 8:30 a.m.
		Non-Dispositive Motion Deadlines:
		Filing: 7/6/2015
		Hearing: 8/3/2015
		Dispositive Motion Deadlines:
		Filing: 7/6/2015
		Hearing: 8/17/2015
		Pre-Trial Conference:
		9/10/2015 at 10:00 a.m.
		510 19 th Street, Bakersfield, CA
		Trial: 10/20/2015 at 8:30 a.m.
		510 19 th Street, Bakersfield, CA
		Jury trial: 3-5 days

I. Date of Scheduling Conference
August 13, 2014.

1 **II. Appearances of Counsel**

2 Russell Handy appeared on behalf of Plaintiff.

3 Bruce Neilson appeared on behalf of Defendant.

4 **III. Magistrate Judge Consent:**

5 Plaintiff and Defendant affirmatively consented to the jurisdiction of the Magistrate Judge for
6 all purposes pursuant to 28 U.S.C. § 636(c) on the record at the Scheduling Conference on August 13,
7 2014.

8 **IV. Pleading Amendment Deadline**

9 Any requested pleading amendments are ordered to be filed, either through a stipulation or
10 motion to amend, no later than **November 10, 2014**.

11 **V. Discovery Plan and Cut-Off Date**

12 The parties are ordered to exchange the initial disclosures required by Fed. R. Civ. P. 26(a)(1)
13 on or before **August 20, 2014**.

14 The parties are ordered to complete all discovery, pertaining to non-experts and experts, on
15 or before **June 22, 2015**.

16 The parties are directed to disclose all expert witnesses, in writing, on or before **April 24, 2015**,
17 and to disclose all rebuttal experts on or before **May 15, 2015**. The written designation of retained and
18 non-retained experts shall **be made pursuant to Fed. R. Civ. P. Rule 26(a)(2), (A), (B), and (C) and**
19 **shall include all information required thereunder**. Failure to designate experts in compliance with
20 this order may result in the Court excluding the testimony or other evidence offered through such
21 experts that are not disclosed pursuant to this order.

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

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

28 A mid-discovery status conference is scheduled for **January 13, 2015**, at 8:30 a.m before the

1 Honorable Jennifer L. Thurston, U.S. Magistrate Judge, located at 510 19th Street, Bakersfield,
2 California, 93301. A Joint Mid-Discovery Status Conference Report, carefully prepared and executed
3 by all counsel, shall be electronically filed in CM/ECF, one full week prior to the Conference, and shall
4 be e-mailed, in Word format, to JLTorders@caed.uscourts.gov. The joint statement SHALL outline the
5 discovery that has been completed and that which needs to be completed as well as any impediments to
6 completing the discovery within the deadlines set forth in this order. Counsel may appear via
7 CourtCall, providing a written request to so appear is made to the Magistrate Judge's Courtroom Clerk
8 no later than five court days before the noticed hearing date.

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

10 All non-dispositive pre-trial motions, including any discovery motions, shall be filed no later
11 than **July 6, 2015**, and heard on or before **August 3, 2015**. Non-dispositive motions are heard before
12 the Honorable Jennifer L. Thurston, United States Magistrate Judge at the United States Courthouse in
13 Bakersfield, California.

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

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

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

1 All dispositive pre-trial motions shall be filed no later than **July 6, 2015**, and heard no later than
2 **August 17, 2015**, before the Honorable Jennifer L. Thurston, United States Magistrate Judge, at the
3 United States District Courthouse in Bakersfield, California. In scheduling such motions, **counsel shall**
4 **comply with Fed. R. Civ. P. 56 and Local Rules 230 and 260.**

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

6 **At least 21 days before** filing a motion for summary judgment or motion for summary
7 adjudication the parties are **ORDERED** to meet, in person or by telephone, and confer to discuss the
8 issues to be raised in the motion. The moving party shall initiate the meeting.

9 The purpose of the meeting shall be to: 1) avoid filing motions for summary judgment where a
10 question of fact exists; 2) determine whether the respondent agrees that the motion has merit in whole
11 or in part; 3) discuss whether issues can be resolved without the necessity of briefing; 4) narrow the
12 issues for review by the court; 5) explore the possibility of settlement before the parties incur the
13 expense of briefing a summary judgment motion; 6) to arrive at a joint statement of undisputed facts.

14 **In addition to the requirements of Local Rule 260, the moving party shall file a joint**
15 **statement of undisputed facts with the motion.** The joint statement of undisputed facts **SHALL**
16 include all facts that the parties agree, for purposes of the motion, may be deemed true. Thus, the
17 moving party **SHALL** provide opposing counsel a complete, proposed statement of undisputed facts **at**
18 **least five days before** the conference.

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

21 **VIII. Pre-Trial Conference Date**

22 **September 10, 2015** at 10:00 a.m. the United States District Courthouse in Bakersfield,
23 California before the Honorable Jennifer L. Thurston, United States Magistrate Judge.

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

27 Counsels' attention is directed to **Rules 281 and 282 of the Local Rules** of Practice for the
28 Eastern District of California, as to the obligations of counsel in preparing for the pre-trial conference.

1 The Court will insist upon strict compliance with those rules. In addition to the matters set forth in the
2 Local Rules the Joint Pretrial Statement shall include a Joint Statement of the case to be used by the
3 Court to explain the nature of the case to the jury during voir dire.

4 **IX. Trial Date**

5 **October 20, 2015** at 8:30 a.m. at the United States District Courthouse in Bakersfield,
6 California, before the Honorable Jennifer L. Thurston, United States Magistrate Judge.

7 A. This is a jury trial.

8 B. Counsels' Estimate of Trial Time: 3-5 days.

9 C. Counsels' attention is directed to Local Rules of Practice for the Eastern District of
10 California, Rule 285.

11 **X. Settlement Conference**

12 The parties may notify the Court if they agree the matter is in a settlement posture by filing a
13 joint written request for a Settlement Conference, including suggested dates. At that time, a settlement
14 conference will be set before a United States Magistrate Judge.

15 **XI. Request for Bifurcation, Appointment of Special Master, or other**
16 **Techniques to Shorten Trial**

17 Not applicable at this time.

18 **XII. Related Matters Pending**

19 There are no pending related matters.

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 foregoing order represents the best estimate of the court and counsel as to the agenda most
28 suitable to dispose of this case. The trial date reserved is specifically reserved for this case. If the

1 parties determine at any time that the schedule outlined in this order cannot be met, counsel are ordered
2 to notify the court immediately of that fact so that adjustments may be made, either by stipulation or by
3 subsequent status conference.

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

9 Failure to comply with this order may result in the imposition of sanctions.

10
11 IT IS SO ORDERED.

12 Dated: August 13, 2014

/s/ Jennifer L. Thurston
13 UNITED STATES MAGISTRATE JUDGE