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

RONALD MOORE,)	1:14-CV-00716- JLT
)	
Plaintiff,	)	SCHEDULING ORDER (Fed. R. Civ. P. 16)
)	
v.	)	Pleading Amendment Deadline: 5/29/2015
)	
AJCA 0929, LLC, et al.,	)	Discovery Deadlines:
	)	Initial Disclosures: 3/19/2015
Defendants.	)	Non-Expert: 7/10/2015
	)	Expert: 8/31/2015
	)	Mid-Discovery Status Conference: 6/17/2015 at 9:00 a.m.
)	
	)	Non-Dispositive Motion Deadlines:
	)	Filing: 9/11/2015
	)	Hearing: 10/9/2015
)	
	)	Dispositive Motion Deadlines:
	)	Filing: 10/23/2015
	)	Hearing: 12/4/2015
)	
	)	Settlement Conference:
	)	4/9/15 at 9:30 a.m., Ctrm 8, Fresno, CA
)	
	)	Trial: 1/19/2016 at 8:30 a.m.
	)	510 19 th Street, Bakersfield, CA
	)	Court trial: 5 days

1 **I. Date of Scheduling Conference**

2 March 12, 2015.

3 **II. Appearances of Counsel**

4 Tanya E. Moore appeared on behalf of Plaintiff.

5 John T. Hill appeared on behalf of Defendant.

6 **III. Pleading Amendment Deadline**

7 Any requested pleading amendments are ordered to be filed, either through a stipulation or
8 motion to amend, no later than **May 29, 2015**.

9 **IV. Discovery Plan and Cut-Off Date**

10 The parties are ordered to exchange the initial disclosures required by Fed. R. Civ. P. 26(a)(1)
11 on or before **March 19, 2015**.

12 The parties are ordered to complete all discovery pertaining to non-experts on or before **July 10,**
13 **2015**, and all discovery pertaining to experts on or before **August 31, 2015**.

14 The parties are directed to disclose all expert witnesses¹, in writing, on or before **July 17, 2015**,
15 and to disclose all rebuttal experts on or before **August 7, 2015**. The written designation of retained
16 and non-retained experts shall **be made pursuant to Fed. R. Civ. P. Rule 26(a)(2), (A), (B), and (C)**
17 **and shall include all information required thereunder**. Failure to designate experts in compliance
18 with this order may result in the Court excluding the testimony or other evidence offered through such
19 experts that are not disclosed pursuant to this order.

20 The written designation of retained and non-retained experts shall **be made pursuant to Fed. R.**
21 **Civ. P. 26(a)(2), (A), (B), and (C) and shall include all information required thereunder**. Failure to
22 designate experts in compliance with this order may result in the Court excluding the testimony or other
23 evidence offered through such experts that are not disclosed pursuant to this order.

24 The provisions of Fed. R. Civ. P. 26(b)(4) and (5) shall apply to all discovery relating to experts
25 and their opinions. Experts must be fully prepared to be examined on all subjects and opinions

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¹ In the event an expert will offer opinions related to an independent medical or mental health
evaluation, this examination SHALL occur sufficiently in advance of the disclosure deadline so the
expert's report fully details the expert's opinions in this regard.

1 included in the designation. Failure to comply will result in the imposition of sanctions, which may
2 include striking the expert designation and preclusion of expert testimony.

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

5 A mid-discovery status conference is scheduled for **June 17, 2015**, at 9:00 a.m. before the
6 Honorable Jennifer L. Thurston, United States Magistrate Judge, at the United States District
7 Courthouse located at 510 19th Street, Bakersfield, California. A Joint Mid-Discovery Status
8 Conference Report, carefully prepared and executed by all counsel, shall be electronically filed in
9 CM/ECF, one full week prior to the Conference and shall be e-mailed, in Word format to,
10 JLTorders@caed.uscourts.gov. Counsel may appear by via the CourtCall service, provided a written
11 request to so appear is made to the Magistrate Judge's Courtroom Clerk no later than five court days
12 before the noticed hearing date.

13 **V. Pre-Trial Motion Schedule**

14 All non-dispositive pre-trial motions, including any discovery motions, shall be filed no later
15 than **September 11, 2015**, and heard on or before **October 9, 2015**. Non-dispositive motions are heard
16 at 9:00 a.m. at the United States District Courthouse in Bakersfield, California, before the Honorable
17 Jennifer L. Thurston, United States Magistrate Judge.

18 No written discovery motions shall be filed without the prior approval of the Court. A party
19 with a discovery dispute must first confer with the opposing party in a good faith effort to resolve by
20 agreement the issues in dispute. If that good faith effort is unsuccessful, the moving party promptly
21 shall seek a telephonic hearing with all involved parties and the Magistrate Judge. It shall be the
22 obligation of the moving party to arrange and originate the conference call to the court. To schedule
23 this telephonic hearing, the parties are ordered to contact Courtroom Deputy Clerk, Susan Hall at (661)
24 326-6620 or via email at SHall@caed.uscourts.gov. **Counsel must comply with Local Rule 251 with**
25 **respect to discovery disputes or the motion will be denied without prejudice and dropped from**
26 **calendar.**

27 In scheduling such motions, the Magistrate Judge may grant applications for an order shortening
28 time pursuant to Local Rule 144(e). However, if counsel does not obtain an order shortening time, the

1 notice of motion must comply with Local Rule 251.

2 Counsel may appear and argue non-dispositive motions by telephone, provided a written request
3 to so appear is made to the Magistrate Judge's Courtroom Clerk no later than five (5) court days before
4 the noticed hearing date. In the event that more than one attorney requests to appear by telephone then
5 it shall be the obligation of the moving part(ies) to arrange and originate a conference call to the court.

6 All dispositive pre-trial motions shall be filed no later than **October 23, 2015**, and heard no
7 later than **December 4, 2015**, before the Honorable Jennifer L. Thurston, United States Magistrate
8 Judge, at the United States District Courthouse in Bakersfield, California. In scheduling such motions,
9 **counsel shall comply with Fed. R. Civ. P. 56 and Local Rules 230 and 260.**

10 **VI. Motions for Summary Judgment or Summary Adjudication**

11 **At least 21 days before** filing a motion for summary judgment or motion for summary
12 adjudication, the parties are **ORDERED** to meet, in person or by telephone, to confer about the
13 issues to be raised in the motion.

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

20 The moving party shall initiate the meeting and **SHALL** provide a complete, proposed
21 statement of undisputed facts **at least five days before** the conference. The finalized joint
22 statement of undisputed facts **SHALL** include all facts that the parties agree, for purposes of the
23 motion, may be deemed true. **In addition to the requirements of Local Rule 260, the moving**
24 **party shall file the joint statement of undisputed facts.**

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

28 **VII. Trial Date**

1 **January 19, 2016**, at 8:30 a.m. at the United States District Courthouse in Bakersfield,
2 California, before the Honorable Jennifer L. Thurston, United States Magistrate Judge.

3 A. This is a Court trial.

4 B. Counsels' Estimate of Trial Time: 5 days.

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

7 **VIII. Settlement Conference**

8 A Settlement Conference is scheduled for **April 9, 2015** at 9:30 a.m., before the Honorable
9 Barbara A. McAuliffe at the Robert E. Coyle Federal Courthouse located at 2500 Tulare Street,
10 Fresno, California.

11 Unless otherwise permitted in advance by the Court, **the attorneys who will try the case**
12 **shall appear** at the Settlement Conference **with the parties** and the person or persons having **full**
13 **authority** to negotiate and settle the case **on any terms**² at the conference. Consideration of
14 settlement is a serious matter that requires preparation prior to the settlement conference. Set forth
15 below are the procedures the Court will employ, absent good cause, in conducting the conference.

16 **Unless otherwise ordered by the Court, at least 21 days before** the settlement conference,
17 Plaintiff **SHALL** submit to Defendant via fax or e-mail, a written itemization of damages and a
18 meaningful³ settlement demand which includes a brief explanation of why such a settlement is
19 appropriate. **No later than 14 days before** the settlement conference, Defendant **SHALL** respond,
20 via fax or e-mail, with an acceptance of the offer or with a meaningful counteroffer, which includes a
21 brief explanation of why such a settlement is appropriate.

22 If settlement is not achieved, each party **SHALL** attach copies of their settlement offers to
23 their Confidential Settlement Conference Statement, as described below. Copies of these documents

24 _____
25 ² Insurance carriers, business organizations, and governmental bodies or agencies whose settlement agreements
26 are subject to approval by legislative bodies, executive committees, boards of directors or the like shall be represented by
27 a person or persons who occupy high executive positions in the party organization and who will be directly involved in
28 the process of approval of any settlement offers or agreements. To the extent possible the representative shall have the
authority, if he or she deems it appropriate, to settle the action on terms consistent with the opposing party's most recent
demand.

³ "Meaningful" means that the offer is reasonably calculated to settle the case on terms acceptable to the offering
party. "Meaningful" does not include an offer which the offering party knows will not be acceptable to the other party.
If, however, the offering party is only willing to offer a settlement which it knows the other party will not accept, this
should trigger a recognition the case is not in a settlement posture and the parties should confer about continuing or
vacating the settlement conference via stipulation.

1 should not be filed on the court docket.

2 **CONFIDENTIAL SETTLEMENT CONFERENCE STATEMENT**

3 At least five court days before the settlement conference, the parties shall submit, directly to
4 Judge McAuliffe's chambers by e-mail to BAMOrders@caed.uscourts.gov, a Confidential Settlement
5 Conference Statement. The statement **should not be filed** with the Clerk of the Court **nor served on**
6 **any other party**, although the parties may file a Notice of Lodging of Settlement Conference
7 Statement. Each statement shall be clearly marked "confidential" with the date and time of the
8 Settlement Conference indicated prominently thereon.

9 The Confidential Settlement Conference Statement shall include the following:

- 10 A. A brief statement of the facts of the case.
- 11 B. A brief statement of the claims and defenses, i.e., statutory or other grounds upon
12 which the claims are founded; a forthright evaluation of the parties' likelihood of
13 prevailing on the claims and defenses; and a description of the major issues in dispute.
- 14 C. A summary of the proceedings to date.
- 15 D. An estimate of the cost and time to be expended for further discovery, pretrial and
16 trial.
- 17 E. The relief sought.
- 18 F. The party's position on settlement, including present demands and offers and a history
19 of past settlement discussions, offers and demands.

20 **IX. Request for Bifurcation, Appointment of Special Master, or other Techniques to Shorten**
21 **Trial**

22 Not applicable at this time.

23 **X. Related Matters Pending**

24 There are no pending related matters.

25 **XI. Compliance with Federal Procedure**

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

1 increasing case load, and sanctions will be imposed for failure to follow both the Federal Rules of Civil
2 Procedure and the Local Rules of Practice for the Eastern District of California.

3 **XII. Effect of this Order**

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

9 **The dates set in this Order are considered to be firm and will not be modified absent a**
10 **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 by**
12 **affidavits or declarations, and where appropriate attached exhibits, which establish good cause**
13 **for granting the relief requested.**

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

15
16 IT IS SO ORDERED.

17 Dated: March 12, 2015

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE