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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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SARMAD SYED, an individual,  
on behalf of himself and all  
others similarly situated,  
  
                                Plaintiffs,  
  
                                v.  
  
PRECHECK, INC., a Texas  
Corporation; and DOES 1-10,  
  
                                Defendants.

CIV. NO. 1:14-742 WBS BAM

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STATUS (PRETRIAL SCHEDULING) ORDER

Status Conference was held in this matter on November  
24, 2014. Peter Dion-Kindem appeared for plaintiff Sarmad Syed.  
Raymond Muro appeared for defendant Precheck, Inc.

I. SERVICE OF PROCESS

No further service is permitted without leave of court,  
good cause having been shown under Federal Rule of Civil

1 Procedure 16(b).

2 II. JOINDER OF PARTIES/AMENDMENTS

3 No further joinder of parties or amendments to  
4 pleadings will be permitted except with leave of court, good  
5 cause having been shown under Federal Rule of Civil Procedure  
6 16(b). See Johnson v. Mammoth Recreations, Inc., 975 F.2d 604  
7 (9th Cir. 1992).

8 III. JURISDICTION/VENUE

9 Jurisdiction is predicated upon federal question  
10 jurisdiction, 28 U.S.C. § 1331, because plaintiff's asserts a  
11 cause of action pursuant to 15 U.S.C. § 1681n(a) and alleges a  
12 violation of the Fair Credit Reporting Act, 15 U.S.C.  
13 § 1681(b)(1). Venue is undisputed and is hereby found to be  
14 proper.

15 IV. DISCOVERY

16 The parties indicate that they made initial disclosures  
17 required by Federal Rule of Civil Procedure 26(a)(1) on November  
18 17, 2014. Any remaining disclosures required by Rule 26(a)(1)  
19 shall be made by no later than December 1, 2014.

20 The parties shall disclose experts and produce reports  
21 in accordance with Federal Rule of Civil Procedure 26(a)(2) by no  
22 later than April 1, 2015. With regard to expert testimony  
23 intended solely for rebuttal, those experts shall be disclosed  
24 and reports produced in accordance with Federal Rule of Civil  
25 Procedure 26(a)(2) on or before May 1, 2015.

26 All discovery, including depositions for preservation  
27 of testimony, is left open, save and except that it shall be so  
28 conducted as to be completed by June 30, 2015. The word

1 "completed" means that all discovery shall have been conducted so  
2 that all depositions have been taken and any disputes relevant to  
3 discovery shall have been resolved by appropriate order if  
4 necessary and, where discovery has been ordered, the order has  
5 been obeyed. All motions to compel discovery must be noticed on  
6 the magistrate judge's calendar in accordance with the local  
7 rules of this court and so that such motions may be heard (and  
8 any resulting orders obeyed) not later than June 30, 2015.

9 V. MOTION HEARING SCHEDULE

10 All motions, except motions for continuances, temporary  
11 restraining orders, or other emergency applications, shall be  
12 filed on or before August 27, 2015. All motions shall be noticed  
13 for the next available hearing date. Counsel are cautioned to  
14 refer to the local rules regarding the requirements for noticing  
15 and opposing such motions on the court's regularly scheduled law  
16 and motion calendar.

17 VI. FINAL PRETRIAL CONFERENCE

18 The Final Pretrial Conference is set for November 9,  
19 2015, at 2:00 p.m. in Courtroom No. 5. The conference shall be  
20 attended by at least one of the attorneys who will conduct the  
21 trial for each of the parties and by any unrepresented parties.

22 Counsel for all parties are to be fully prepared for  
23 trial at the time of the Pretrial Conference, with no matters  
24 remaining to be accomplished except production of witnesses for  
25 oral testimony. Counsel shall file separate pretrial statements,  
26 and are referred to Local Rules 281 and 282 relating to the  
27 contents of and time for filing those statements. In addition to  
28 those subjects listed in Local Rule 281(b), the parties are to

1 provide the court with: (1) a plain, concise statement which  
2 identifies every non-discovery motion which has been made to the  
3 court, and its resolution; (2) a list of the remaining claims as  
4 against each defendant; and (3) the estimated number of trial  
5 days.

6 In providing the plain, concise statements of  
7 undisputed facts and disputed factual issues contemplated by  
8 Local Rule 281(b)(3)-(4), the parties shall emphasize the claims  
9 that remain at issue, and any remaining affirmatively pled  
10 defenses thereto. If the case is to be tried to a jury, the  
11 parties shall also prepare a succinct statement of the case,  
12 which is appropriate for the court to read to the jury.

13 VII. TRIAL SETTING

14 The trial is set for January 12, 2016, at 9:00 a.m.

15 VIII. SETTLEMENT CONFERENCE

16 A Settlement Conference will be set at the time of the  
17 Pretrial Conference. All parties should be prepared to advise  
18 the court whether they will stipulate to the trial judge acting  
19 as settlement judge and waive disqualification by virtue thereof.


20 Counsel are instructed to have a principal with full  
21 settlement authority present at the Settlement Conference or to  
22 be fully authorized to settle the matter on any terms. At least  
23 seven calendar days before the Settlement Conference counsel for  
24 each party shall submit a confidential Settlement Conference  
25 Statement for review by the settlement judge. If the settlement  
26 judge is not the trial judge, the Settlement Conference  
27 Statements shall not be filed and will not otherwise be disclosed  
28 to the trial judge.

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IX. MODIFICATIONS TO SCHEDULING ORDER

Any requests to modify the dates or terms of this Scheduling Order, except requests to change the date of the trial, may be heard and decided by the assigned Magistrate Judge. All requests to change the trial date shall be heard and decided only by the undersigned judge.

Dated: November 25, 2014

  
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WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE