

1 **II. Appearances of Counsel**

2 Paul Reidl appeared on behalf of Plaintiff.

3 Javad Khazaeli appeared on behalf of Defendants.

4 **III. Pleading Amendment Deadline**

5 Any requested pleading amendments are ordered to be filed, either through a stipulation or
6 motion to amend, no later than **August 31, 2015**.

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

8 The parties are ordered to exchange the initial disclosures required by Fed. R. Civ. P. 26(a)(1)
9 on or before **July 16, 2015**.

10 The parties are ordered to complete all discovery, pertaining to non-experts on or before
11 **January 15, 2016**, and all discovery related to experts no later than **April 1, 2016**.

12 Plaintiff is directed to disclose all expert witnesses on or before **January 29, 2016**. Defendant
13 is directed to disclose all expert witnesses on or before **February 12, 2016**. Plaintiff shall disclose any
14 rebuttal experts no later than **March 11, 2016**. The designations of retained and non-retained experts
15 must be in writing, and shall **be made pursuant to Fed. R. Civ. P. Rule 26(a)(2), (A), (B), and (C)**
16 **and shall include all information required thereunder**. Failure to designate experts in compliance
17 with this order may result in the Court excluding the testimony or other evidence offered through such
18 experts that are not disclosed pursuant to this order.

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

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

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

1 A mid-discovery status conference is scheduled for **October 1, 2015** at 8:30 a.m. before the
2 Honorable Jennifer L. Thurston, United States Magistrate Judge, at the United States District
3 Courthouse located at 510 19th Street, Bakersfield, California. A Joint Mid-Discovery Status
4 Conference Report, carefully prepared and executed by all counsel, shall be electronically filed in
5 CM/ECF, one full week prior to the Conference and shall be e-mailed, in Word format to,
6 JLTorders@caed.uscourts.gov. Counsel may appear by telephone via the CourtCall service, provided
7 notice of the intention to do so is provided to JLTorders@caed.uscourts.gov no later than five court
8 days before the noticed hearing date.

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

10 All non-dispositive pre-trial motions, including any discovery motions, shall be filed no later
11 than **April 15, 2016**, and heard on or before **May 13, 2016**. Non-dispositive motions are heard at 9:00
12 a.m. at the United States District Courthouse in Bakersfield, California, before the Honorable Jennifer
13 L. Thurston, United States Magistrate Judge.

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 by telephone via the CourtCall service, provided notice of the intention to
27 do so is provided to JLTorders@caed.uscourts.gov no later than five court days before the noticed
28 hearing date

1 All dispositive pre-trial motions shall be filed no later than **May 27, 2016**, and heard no later
2 than **July 1, 2016**, 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 **VI. 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, to confer about the issues
8 to be raised in the motion.

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

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 **VII. Pre-Trial Conference Date**

22 **August 8, 2016**, at 8:30 a.m. at the United States District Courthouse in Bakersfield, California
23 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 **VIII. Trial Date**

5 **September 19, 2016**, 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: 4 days.

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

11 **IX. Settlement Conference**

12 Given the fact that two settlement conferences have been conducted by the Court in this matter,
13 no further settlement conference is set.

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

16 Not applicable at this time.

17 **XI. Related Matters Pending**

18 There are no pending related matters.

19 **XII. Compliance with Federal Procedure**

20 All counsel are expected to familiarize themselves with the Federal Rules of Civil Procedure
21 and the Local Rules of Practice of the Eastern District of California, and to keep abreast of any
22 amendments thereto. The Court must insist upon compliance with these Rules to efficiently handle its
23 increasing case load, and sanctions will be imposed for failure to follow both the Federal Rules of Civil
24 Procedure and the Local Rules of Practice for the Eastern District of California.

25 **XIII. Effect of this Order**

26 The foregoing order represents the best estimate of the court and counsel as to the agenda most
27 suitable to dispose of this case. The trial date reserved is specifically reserved for this case. If the
28 parties determine at any time that the schedule outlined in this order cannot be met, counsel are ordered

1 to notify the court immediately of that fact so that adjustments may be made, either by stipulation or by
2 subsequent status conference.

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

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

9
10 IT IS SO ORDERED.

11 Dated: July 9, 2015

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