

1 **II. Appearances of Counsel**

2 Neil Gehlawat appeared on behalf of Plaintiff.

3 Benjamin Hall appeared on behalf of Defendant.

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 **March 16, 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 **February 23, 2015**.

10 The parties are ordered to complete all discovery pertaining to non-experts on or before
11 **November 30, 2015**, and all discovery pertaining to experts on or before **February 1, 2016**.

12 The parties are directed to disclose all expert witnesses¹, in writing, on or before **November 30,**
13 **2015**, and to disclose all rebuttal experts on or before **December 28, 2015**. The written designation of
14 retained and non-retained experts shall **be made pursuant to Fed. R. Civ. P. Rule 26(a)(2), (A), (B),**
15 **and (C) and shall include all information required thereunder**. Failure to designate experts in
16 compliance with this order may result in the Court excluding the testimony or other evidence offered
17 through such experts that are not disclosed pursuant to this order.

18 The written designation of retained and non-retained experts shall **be made pursuant to Fed. R.**
19 **Civ. P. 26(a)(2), (A), (B), and (C) and shall include all information required thereunder**. Failure to
20 designate experts in compliance with this order may result in the Court excluding the testimony or other
21 evidence offered through such 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.

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

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

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

12 All non-dispositive pre-trial motions, including any discovery motions, shall be filed no later
13 than **February 8, 2016**, and heard on or before **March 7, 2016**. Non-dispositive motions are heard at
14 9:00 a.m. at the United States District Courthouse in Bakersfield, California, before the Honorable
15 Jennifer L. Thurston, United States Magistrate Judge.

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

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

28 Counsel may appear and argue non-dispositive motions by telephone, provided a written request

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

4 All dispositive pre-trial motions shall be filed no later than **March 14, 2016**, and heard no later
5 than **April 25, 2016**, before the Honorable Jennifer L. Thurston, United States Magistrate Judge, at the
6 United States District Courthouse in Bakersfield, California. In scheduling such motions, **counsel shall**
7 **comply with Fed. R. Civ. P. 56 and Local Rules 230 and 260.**

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

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

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

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

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

25 **VII. Pre-Trial Conference Date**

26 Because this is a bench trial, no pretrial conference will be set.

27 **VIII. Trial Date**

28 **June 8, 2016**, at 8:30 a.m. at the United States District Courthouse in Bakersfield, California,

1 before the Honorable Jennifer L. Thurston, United States Magistrate Judge.

2 A. This is a Court trial.

3 B. Counsels' Estimate of Trial Time: 3 days.

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

6 **IX. Settlement Conference**

7 If the parties believe the matter is in a settlement posture and desire a conference, they may file
8 a joint request that the Court schedule a settlement conference.

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

11 Not applicable at this time.

12 **XI. Related Matters Pending**

13 There are no pending related matters.

14 **XII. Compliance with Federal Procedure**

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

20 **XIII. Effect of this Order**

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

26 **The dates set in this Order are considered to be firm and will not be modified absent a**
27 **showing of good cause even if the request to modify is made by stipulation. Stipulations**
28 **extending the deadlines contained herein will not be considered unless they are accompanied by**

1 **affidavits or declarations, and where appropriate attached exhibits, which establish good cause**
2 **for granting the relief requested.**

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

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5 IT IS SO ORDERED.

6 Dated: January 29, 2015

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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