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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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FOSTER POULTRY FARMS, INC., Plaintiff, v. CERTAIN UNDERWRITERS AT LLOYD'S, LONDON, Defendants.	CIV. NO. 1:14-00953 WBS SAB
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STATUS (PRETRIAL SCHEDULING) ORDER

After reviewing the parties' Joint Status Report, the court hereby vacates the Status (Pretrial Scheduling) Conference scheduled for November 10, 2014, and makes the following findings and orders without needing to consult with the parties any further.

1 I. SERVICE OF PROCESS

2 The parties indicate that all defendants have been
3 served. No further service is permitted without leave of court,
4 good cause having been shown under Federal Rule of Civil
5 Procedure 16(b).

6 II. JOINDER OF PARTIES/AMENDMENTS

7 No further joinder of parties or amendments to
8 pleadings will be permitted except with leave of court, good
9 cause having been shown under Federal Rule of Civil Procedure
10 16(b). See Johnson v. Mammoth Recreations, Inc., 975 F.2d 604
11 (9th Cir. 1992).

12 III. JURISDICTION/VENUE

13 Jurisdiction is predicated upon diversity jurisdiction,
14 28 U.S.C. § 1332. Venue is undisputed and is hereby found to be
15 proper.

16 IV. DISCOVERY

17 The parties indicate that initial disclosures have been
18 exchanged. The parties shall serve any further initial
19 disclosures required by Federal Rule of Civil Procedure 26(a)(1)
20 by no later than November 17, 2014.

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

27 All discovery, including depositions for preservation
28 of testimony, is left open, save and except that it shall be so

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

10 V. MOTION HEARING SCHEDULE

11 All motions, except motions for continuances, temporary
12 restraining orders, or other emergency applications, shall be
13 filed on or before September 1, 2015. All motions shall be
14 noticed for the next available hearing date. Counsel are
15 cautioned to refer to the local rules regarding the requirements
16 for noticing and opposing such motions on the court's regularly
17 scheduled law and motion calendar.

18 VI. FINAL PRETRIAL CONFERENCE

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

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

1 those subjects listed in Local Rule 281(b), the parties are to
2 provide the court with: (1) a plain, concise statement which
3 identifies every non-discovery motion which has been made to the
4 court, and its resolution; (2) a list of the remaining claims as
5 against each defendant; and (3) the estimated number of trial
6 days.

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

14 VII. TRIAL SETTING

15 The jury trial is set for January 12, 2016, at 9:00
16 a.m. The parties estimate that the trial will take ten days.

17 VIII. SETTLEMENT CONFERENCE

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

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

1 Statements shall not be filed and will not otherwise be disclosed
2 to the trial judge.

3 IX. MODIFICATIONS TO SCHEDULING ORDER

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

9 Dated: November 6, 2014

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11 WILLIAM B. SHUBB
12 UNITED STATES DISTRICT JUDGE
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