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

ANTONIO RAMIREZ, JR.,)	1:14-CV-00978- JLT
)	
Plaintiff,	)	SCHEDULING ORDER (Fed. R. Civ. P. 16)
)	
v.	)	Pleading Amendment Deadline: 9/25/2015
)	
BAKERSFIELD POLICE DEPT., et al.,	)	Discovery Deadlines:
	)	Initial Disclosures: 6/5/2015
Defendants.	)	Non-Expert: 2/1/2016
	)	Expert: 4/8/2016
	)	Mid-Discovery Status Conference: 11/10/2015 at 9:00 a.m.
)	
	)	Non-Dispositive Motion Deadlines:
	)	Filing: 4/18/2016
	)	Hearing: 5/16/2016
)	
	)	Dispositive Motion Deadlines:
	)	Filing: 5/23/2016
	)	Hearing: 7/5/2016
)	
	)	Pre-Trial Conference:
	)	8/16/2016 at 8:30 a.m.
	)	510 19 th Street, Bakersfield, CA
)	
	)	Trial: 9/26/2016 at 8:30 a.m.
	)	510 19 th Street, Bakersfield, CA
	)	Jury trial: 3-5 days

1 **I. Date of Scheduling Conference**

2 May 4, 2015.

3 **II. Appearances of Counsel**

4 Plaintiff appeared in pro per.

5 Heather Cohen appeared on behalf of Defendants.

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 **September 25, 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 **June 5, 2015**.

12 The parties are ordered to complete all discovery, pertaining to non-experts on or before
13 **February 1, 2016**, and all discovery related to experts no later than **April 8, 2016**.

14 The parties are directed to disclose all expert witnesses, in writing, on or before **February 12,**
15 **2016**, and to disclose all rebuttal experts on or before **March 11, 2016**. The written designation of
16 retained and non-retained experts shall **be made pursuant to Fed. R. Civ. P. Rule 26(a)(2), (A), (B),**
17 **and (C) and shall include all information required thereunder**. Failure to designate experts in
18 compliance with this order may result in the Court excluding the testimony or other evidence offered
19 through such 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
26 included in the designation. Failure to comply will result in the imposition of sanctions, which may
27 include striking the expert designation and preclusion of expert testimony.

28 The provisions of Fed. R. Civ. P. 26(e) regarding a party's duty to timely supplement

1 disclosures and responses to discovery requests will be strictly enforced.

2 A mid-discovery status conference is scheduled for **November 10, 2015**, at 9:00 a.m. before the
3 Honorable Jennifer L. Thurston, United States Magistrate Judge, at the United States District
4 Courthouse located at 510 19th Street, Bakersfield, California. A Joint Mid-Discovery Status
5 Conference Report, carefully prepared and executed by all counsel, shall be electronically filed in
6 CM/ECF, one (1) full week prior to the Conference and shall be e-mailed, in Word format to,
7 JLTorders@caed.uscourts.gov. Counsel may appear by telephone, provided a written request to so
8 appear is made to the Magistrate Judge's Courtroom Clerk no later than five (5) court days before the
9 noticed hearing date. In the event that more than one attorney requests to appear by telephone then it
10 shall be the obligation of the requesting part(ies) to arrange a Court Call conference.

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

12 All non-dispositive pre-trial motions, including any discovery motions, shall be filed no later
13 than **April 18, 2016**, and heard on or before **May 16, 2016**. Non-dispositive motions are heard at 9:00
14 a.m. at the United States District Courthouse in Bakersfield, California, before the Honorable Jennifer
15 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 **May 23, 2016**, and heard no later
5 than **July 5, 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 The parties may file a dispositive motion related to the Heck v. Humphrey, 512 U.S. 477 (1994)
10 issue without prejudice to their filing a second dispositive motion on the merits. The parties are
11 excused from the requirement of a pre-filing meet-and-confer session and from the requirement to file a
12 joint statement of facts.

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

14 **August 16, 2016**, at 8:30 a.m. at the United States District Courthouse in Bakersfield,
15 California before the Honorable Jennifer L. Thurston, United States Magistrate Judge.

16 The parties are ordered to file a **Joint Pretrial Statement pursuant to Local Rule 281(a)(2).**
17 The parties are further directed to submit a digital copy of their pretrial statement in Word format,
18 directly to Judge Thurston's chambers, by email at JLTOOrders@caed.uscourts.gov.

19 Counsels' attention is directed to **Rules 281 and 282 of the Local Rules** of Practice for the
20 Eastern District of California, as to the obligations of counsel in preparing for the pre-trial conference.
21 The Court will insist upon strict compliance with those rules. In addition to the matters set forth in the
22 Local Rules the Joint Pretrial Statement shall include a Joint Statement of the case to be used by the
23 Court to explain the nature of the case to the jury during voir dire.

24 **VIII. Trial Date**

25 **September 26, 2016**, at 8:30 a.m. at the United States District Courthouse in Bakersfield,
26 California, before the Honorable Jennifer L. Thurston, United States Magistrate Judge.

- 27 A. This is a Jury trial.
28 B. Counsels' Estimate of Trial Time: 3-5 days.

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

3 **IX. Settlement Conference**

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

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

8 Not applicable at this time.

9 **XI. Related Matters Pending**

10 There are no pending related matters.

11 **XII. Compliance with Federal Procedure**

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

17 **XIII. Effect of this Order**

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

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

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

IT IS SO ORDERED.

Dated: May 4, 2015

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE