

1 issues the following Schedule based upon the information provided in the Joint Scheduling Report filed
2 on November 24, 2014. (Doc. 16.)

3 **II. Appearances of Counsel**

4 Steve Nichols appeared on behalf of Plaintiff.

5 Aimee Hamoy-Perera appeared on behalf of Defendant.

6 **III. Consent to Magistrate Judge Jurisdiction**

7 The parties have indicated their willingness to consent to the jurisdiction of the United States
8 Magistrate Judge for any and all further proceedings in this case. Accordingly, the matter has been
9 reassigned to the United States Magistrate Judge. (Doc. 20.)

10 **IV. Pleading Amendment Deadline**

11 Any requested pleading amendments are ordered to be filed, either through a stipulation or
12 motion to amend, no later than **February 27, 2015**.

13 **V. Discovery Plan and Cut-Off Date**

14 If they have not yet exchanged their initial disclosures required by Fed .R. Civ. P. 26(a)(1), they
15 SHALL do so no later than **January 2, 2015**.

16 The parties are ordered to complete all discovery pertaining to non-experts on or before **April 1,**
17 **2015**, and all discovery pertaining to experts on or before **June 15, 2015**.

18 The parties are directed to disclose all expert witnesses¹, in writing, on or before **May 1, 2015**,
19 and to disclose all rebuttal experts on or before **May 25, 2015**. The written designation of retained and
20 non-retained experts shall **be made pursuant to Fed. R. Civ. P. Rule 26(a)(2), (A), (B), and (C) and**
21 **shall include all information required thereunder**. Failure to designate experts in compliance with
22 this order may result in the Court excluding the testimony or other evidence offered through such
23 experts that are not disclosed pursuant to this order.

24 The written designation of retained and non-retained experts shall **be made pursuant to Fed. R.**
25 **Civ. P. 26(a)(2), (A), (B), and (C) and shall include all information required thereunder**. Failure to

27 ¹ In the event an expert will offer opinions related to an independent medical or mental health evaluation, this
28 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 designate experts in compliance with this order may result in the Court excluding the testimony or other
2 evidence offered through such experts that are not disclosed pursuant to this order.

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

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

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

10 All non-dispositive pre-trial motions, including any discovery motions, shall be filed no later
11 than **June 29, 2015**, and heard on or before **July 27, 2015**. 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 and argue non-dispositive motions by telephone, provided a written request
27 to so appear is made to the Magistrate Judge's Courtroom Clerk no later than five (5) court days before
28 the noticed hearing date. In the event that more than one attorney requests to appear by telephone then

1 it shall be the obligation of the moving part(ies) to arrange and originate a conference call to the court.

2 All dispositive pre-trial motions shall be filed no later than **August 10, 2015**, and heard no later
3 than **September 28, 2015**, before the Honorable Jennifer L. Thurston, United States Magistrate Judge,
4 at the United States District Courthouse in Bakersfield, California. In scheduling such motions,
5 **counsel shall comply with Fed. R. Civ. P. 56 and Local Rules 230 and 260.**

6 **VII. Motions for Summary Judgment or Summary Adjudication**

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

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

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

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

23 **VIII. Pre-Trial Conference Date**

24 **September 29, 2015**, at 1:30 p.m. at the United States District Courthouse in Bakersfield,
25 California before the Honorable Jennifer L. Thurston, United States Magistrate Judge.

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

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

6 **IX. Trial Date**

7 **December 7, 2015**, at 8:30 a.m. at the United States District Courthouse in Bakersfield,
8 California, before the Honorable Jennifer L. Thurston, United States Magistrate Judge.

- 9 A. This is a Jury trial.
10 B. Counsels' Estimate of Trial Time: 7 days.
11 C. Counsels' attention is directed to Local Rules of Practice for the Eastern District of
12 California, Rule 285.

13 **X. Settlement Conference**

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

16 **XI. Request for Bifurcation, Appointment of Special Master, or other Techniques to Shorten**
17 **Trial**

18 Not applicable at this time.

19 **XII. Related Matters Pending**

20 There are no pending related matters.

21 **XIII. Compliance with Federal Procedure**

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

27 **XIV. Effect of this Order**

28 The foregoing order represents the best estimate of the court and counsel as to the agenda most

1 suitable to dispose of this case. The trial date reserved is specifically reserved for this case. If the
2 parties determine at any time that the schedule outlined in this order cannot be met, counsel are ordered
3 to notify the court immediately of that fact so that adjustments may be made, either by stipulation or by
4 subsequent status conference.

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

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

11
12 IT IS SO ORDERED.

13 Dated: **December 16, 2014**

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE