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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DEANNA CHESHER,

Plaintiff,

v.

ELI LILLY AND COMPANY, an
Indiana corporation,

Defendant.

No. 1:14-cv-01265-GEB-SKO

**STATUS (PRETRIAL SCHEDULING)
ORDER**

The status (pretrial scheduling) conference scheduled for hearing on February 23, 2015, is vacated since the parties' Joint Status Report filed on February 9, 2015 ("JSR") indicates the following Order should issue.

SERVICE, JOINDER OF ADDITIONAL PARTIES, AMENDMENT

No further service, joinder of parties or amendments to pleadings is permitted, except with leave of Court for good cause shown.

DISCOVERY

All discovery shall be completed by May 26, 2016. "Completed" means all discovery shall be conducted so that any dispute relative to discovery shall have been resolved by appropriate orders, if necessary, and, where discovery has been ordered, the order has been complied with on or before the

1 prescribed "completion" date.

2 Each party shall comply with Federal Rule of Civil
3 Procedure 26(a)(2)(B) and (C)'s initial expert witness disclosure
4 requirements on or before February 26, 2016, and any
5 contradictory and/or rebuttal expert disclosure authorized under
6 Rule 26(a)(2)(D)(ii) on or before March 25, 2016.

7 MOTION HEARING SCHEDULE

8 The last hearing date for a motion is July 25, 2016,
9 commencing at 9:00 a.m. Any motion shall be briefed as prescribed
10 in Local Rule 230.

11 The parties are cautioned that an untimely motion
12 characterized as a motion in limine may be summarily denied.

13 FINAL PRETRIAL CONFERENCE

14 The final pretrial conference is set for September 26,
15 2016, at 2:30 p.m. The parties are cautioned that the lead
16 attorney who WILL TRY THE CASE for each party shall attend the
17 final pretrial conference. In addition, all persons representing
18 themselves and appearing in propria persona must attend the
19 pretrial conference.

20 The parties shall file a JOINT pretrial statement no
21 later than seven (7) calendar days prior to the final pretrial
22 conference. **The joint pretrial statement shall address the**
23 **applicable portions of Local Rule 281(b), and shall set forth**
24 **each theory of liability ("claim") and affirmative defense which**
25 **remains to be tried, and the ultimate facts on which each**
26 **theory/defense is based.** Furthermore, each party shall estimate
27 the length of trial. The Court uses the parties' joint pretrial
28

1 statement to prepare its final pretrial order and could issue the
2 final pretrial order without holding the scheduled final pretrial
3 conference. See Mizwicki v. Helwig, 196 F.3d 828, 833 (7th Cir.
4 1999) ("There is no requirement that the court hold a pretrial
5 conference.").

6 Final pretrial procedures are "critical for 'promoting
7 efficiency and conserving judicial resources by identifying the
8 real issues prior to trial, thereby saving time and expense for
9 everyone.'" Friedman & Friedman, Ltd. v. Tim McCandless, Inc.,
10 606 F.3d 494, 498 (8th Cir. 2010) (quoting Fed. R. Civ. P. 16
11 Advisory Committee Note (1983 Amendment to subdivision (c)).
12 "Toward that end, Rule 16 directs courts to use pretrial
13 conferences to weed out unmeritorious claims and defenses before
14 trial begins." Smith v. Gulf Oil Co., 995 F.2d 638, 642 (6th Cir.
15 1993). The parties are therefore provided notice that a claim or
16 affirmative defense may be dismissed *sua sponte* if it is not
17 shown to be triable in the joint final pretrial statement. Cf.
18 Portland Retail Druggists Ass'n v. Kaiser Found. Health Plan, 662
19 F.2d 641, 645 (9th Cir. 1981) (indicating that a party shall be
20 provided notice and an opportunity to respond with facts
21 sufficient to justify having a claim or affirmative defense
22 proceed to trial); Portsmouth Square, Inc. v. S'holders
23 Protective Comm., 770 F.2d 866, 869 (9th Cir. 1985) (stating "the
24 district court has . . . authority to grant summary judgment *sua*
25 *sponte* in the context of a final pretrial conference").

26 If feasible, at the time of filing the joint pretrial
27 statement counsel shall also email it in a format compatible with
28 WordPerfect to: geborders@caed.uscourts.gov.

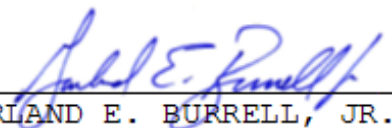
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TRIAL SETTING

Trial shall commence at 9:00 a.m. on December 6, 2016.

IT IS SO ORDERED.

Dated: February 12, 2015



GARLAND E. BURRELL, JR.
Senior United States District Judge