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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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ALLEN M. DUTRA, as Trustee
for the Estate of David Carl
Biggs,

Plaintiff,

v.

ALLSTATE INSURANCE COMPANY,
and DOES 1 through 50,
inclusive,

Defendants.

NO. CIV. 1:14-1304 WBS JLT

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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 February 2, 2015, and makes the following findings and orders without needing to consult with the parties any further.

I. SERVICE OF PROCESS

All named defendants have been served, and no further

1 service is permitted without leave of court, good cause having
2 been shown under Federal Rule of Civil Procedure 16(b).

3 II. JOINDER OF PARTIES/AMENDMENTS

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

9 III. JURISDICTION/VENUE

10 Jurisdiction is predicated upon diversity jurisdiction,
11 28 U.S.C. § 1332, because plaintiff and defendant are citizens of
12 different states and the amount in controversy exceeds \$75,000.
13 The court has supplemental jurisdiction over plaintiff's state
14 law claims pursuant to 28 U.S.C. § 1367. Venue is undisputed and
15 is hereby found to be proper under 28 U.S.C. § 1441(a).

16 IV. DISCOVERY

17 The parties state they met and conferred and exchanged
18 initial disclosures on October 14, 2014.

19 The parties shall disclose experts and produce reports
20 in accordance with Federal Rule of Civil Procedure 26(a)(2) by no
21 later than June 30, 2015. With regard to expert testimony
22 intended solely for rebuttal, those experts shall be disclosed
23 and reports produced in accordance with Federal Rule of Civil
24 Procedure 26(a)(2) on or before July 31, 2015.

25 All discovery, including depositions for preservation
26 of testimony, is left open, save and except that it shall be so
27 conducted as to be completed by September 30, 2015. The word
28 "completed" means that all discovery shall have been conducted so

1 that all depositions have been taken and any disputes relevant to
2 discovery shall have been resolved by appropriate order if
3 necessary and, where discovery has been ordered, the order has
4 been obeyed. All motions to compel discovery must be noticed on
5 the magistrate judge's calendar in accordance with the local
6 rules of this court and so that such motions may be heard (and
7 any resulting orders obeyed) not later than September 30, 2015.

8 V. MOTION HEARING SCHEDULE

9 All motions, except motions for continuances, temporary
10 restraining orders, or other emergency applications, shall be
11 filed on or before November 30, 2015. All motions shall be
12 noticed for the next available hearing date. Counsel are
13 cautioned to refer to the local rules regarding the requirements
14 for noticing and opposing such motions on the court's regularly
15 scheduled law and motion calendar.

16 VI. FINAL PRETRIAL CONFERENCE

17 The Final Pretrial Conference is set for February 16,
18 2016, at 2:00 p.m. in Courtroom No. 5. The conference shall be
19 attended by at least one of the attorneys who will conduct the
20 trial for each of the parties and by any unrepresented parties.

21 Counsel for all parties are to be fully prepared for
22 trial at the time of the Pretrial Conference, with no matters
23 remaining to be accomplished except production of witnesses for
24 oral testimony. Counsel shall file separate pretrial statements,
25 and are referred to Local Rules 281 and 282 relating to the
26 contents of and time for filing those statements. In addition to
27 those subjects listed in Local Rule 281(b), the parties are to
28 provide the court with: (1) a plain, concise statement which

1 identifies every non-discovery motion which has been made to the
2 court, and its resolution; (2) a list of the remaining claims as
3 against each defendant; and (3) the estimated number of trial
4 days.

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

12 VII. TRIAL SETTING

13 The jury trial is set for April 19, 2016 at 9:00 a.m.
14 The parties estimate that a jury trial will last ten to fifteen
15 days.

16 VIII. SETTLEMENT CONFERENCE

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

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

1 to the trial judge.

2 IX. MODIFICATIONS TO SCHEDULING ORDER

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

8 Dated: January 27, 2015

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10 WILLIAM B. SHUBB
11 UNITED STATES DISTRICT JUDGE
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