

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

11 -----oo0oo-----

12 JOEL RAMIREZ, individually &
13 as successor-in-interest to
14 Joel A. Ramirez, Jr., and
15 GLORIA VIZCARANDO,
16 individually & as successor-
17 in-interest to Joel A.
18 Ramirez, Jr.,

19 Plaintiffs,

20 v.

21 COUNTY OF TULARE, MARGARET
22 PINEDA, ERICA SOTO, ANNA
23 ZAVALA, JAIME ZAVALA, FOSTER
24 FAMILY HOME AND SMALL FAMILY
25 HOME INSURANCE FUND OF THE
26 STATE OF CALIFORNIA, DOES 1-
27 10,

28 Defendants.

NO. CIV. 1:14-1414 WBS BAM

-----oo0oo-----

29 STATUS (PRETRIAL SCHEDULING) ORDER

30 After reviewing the parties' Joint Status Report, the
31 court hereby vacates the Status (Pretrial Scheduling) Conference
32 scheduled for January 20, 2015, and makes the following findings

1 and orders without needing to consult with the parties any
2 further.

3 I. SERVICE OF PROCESS

4 All named defendants have been served, and no further
5 service is permitted without leave of court, good cause having
6 been shown under Federal Rule of Civil Procedure 16(b).

7 II. JOINDER OF PARTIES/AMENDMENTS

8 No further joinder of parties or amendments to
9 pleadings will be permitted except with leave of court, good
10 cause having been shown under Federal Rule of Civil Procedure
11 16(b). See Johnson v. Mammoth Recreations, Inc., 975 F.2d 604
12 (9th Cir. 1992).

13 III. JURISDICTION/VENUE

14 Jurisdiction is predicated upon federal question
15 jurisdiction, 28 U.S.C. § 1331, because plaintiff's claims arise
16 under 42 U.S.C. § 1983. The court has supplemental jurisdiction
17 over plaintiff's state law claims pursuant to 28 U.S.C. § 1367.
18 Venue is undisputed and is hereby found to be proper.

19 IV. DISCOVERY

20 The parties shall serve initial disclosures required by
21 Federal Rule of Civil Procedure 26(a)(1) by no later than
22 February 20, 2015.

23 The parties shall disclose experts and produce reports
24 in accordance with Federal Rule of Civil Procedure 26(a)(2) by no
25 later than August 15, 2015. With regard to expert testimony
26 intended solely for rebuttal, those experts shall be disclosed
27 and reports produced in accordance with Federal Rule of Civil
28 Procedure 26(a)(2) on or before September 18, 2015.

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

12 13 V. MOTION HEARING SCHEDULE

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

21 VI. FINAL PRETRIAL CONFERENCE

22 The Final Pretrial Conference is set for February 1,
23 2016, at 2:00 p.m. in Courtroom No. 5. The conference shall be
24 attended by at least one of the attorneys who will conduct the
25 trial for each of the parties and by any unrepresented parties.

26 Counsel for all parties are to be fully prepared for
27 trial at the time of the Pretrial Conference, with no matters
28 remaining to be accomplished except production of witnesses for

1 oral testimony. Counsel shall file separate pretrial statements,
2 and are referred to Local Rules 281 and 282 relating to the
3 contents of and time for filing those statements. In addition to
4 those subjects listed in Local Rule 281(b), the parties are to
5 provide the court with: (1) a plain, concise statement which
6 identifies every non-discovery motion which has been made to the
7 court, and its resolution; (2) a list of the remaining claims as
8 against each defendant; and (3) the estimated number of trial
9 days.

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

17 VII. TRIAL SETTING

18 The jury trial is set for April 19, 2016 at 9:00 a.m.
19 The parties estimate that a jury trial will last five days.

20 VIII. SETTLEMENT CONFERENCE

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


25 Counsel are instructed to have a principal with full
26 settlement authority present at the Settlement Conference or to
27 be fully authorized to settle the matter on any terms. At least
28 seven calendar days before the Settlement Conference counsel for

1 each party shall submit a confidential Settlement Conference
2 Statement for review by the settlement judge. If the settlement
3 judge is not the trial judge, the Settlement Conference
4 Statements shall not be filed and will not otherwise be disclosed
5 to the trial judge.

6 IX. MODIFICATIONS TO SCHEDULING ORDER

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

12
13 Dated: January 14, 2015

14 
15 WILLIAM B. SHUBB
16 UNITED STATES DISTRICT JUDGE
17
18
19
20
21
22
23
24
25
26
27
28