

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BAKERSFIELD PIPE & SUPPLY, INC.,	)	1:14-CV-01445- JLT
)	
Plaintiff,	)	SCHEDULING ORDER (Fed. R. Civ. P. 16)
)	
v.	)	Pleading Amendment Deadline: 3/30/2015
)	
CORNERSTONE VALVE, LLC,	)	Discovery Deadlines:
	)	Initial Disclosures: 2/1/2015
Defendant.	)	Non-Expert: 10/2/2015
	)	Expert: 11/6/2015
	)	Mid-Discovery Status Conference:
	)	6/15/2015 at 9:00 a.m.
)	
	)	Non-Dispositive Motion Deadlines:
	)	Filing: 11/6/2015
	)	Hearing: 12/4/2015
)	
	)	Dispositive Motion Deadlines:
	)	Filing: 12/11/2015
	)	Hearing: 1/15/2016
)	
	)	Pre-Trial Conference:
	)	2/22/2016 at 8:30 a.m.
	)	510 19 th Street, Bakersfield, CA
)	
	)	Trial: 4/5/2016 at 8:30 a.m.
	)	510 19 th Street, Bakersfield, CA
	)	Jury trial: 7 days

1 **I. Date of Scheduling Conference**

2 December 17, 2014.

3 **II. Appearances of Counsel**

4 Matthew McCartney appeared on behalf of Plaintiff.

5 Sandeel Agarwal appeared on behalf of Defendant.

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 **March 30, 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 **February 1, 2015**.

12 The parties are ordered to complete all discovery pertaining to non-experts on or before
13 **October 2, 2015**, and all discovery pertaining to experts on or before **November 6, 2015**.

14 The parties are directed to disclose all expert witnesses, in writing, on or before **September 4,**
15 **2015**, and to disclose all rebuttal experts on or before **October 5, 2015**. 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 **June 15, 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 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 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 **November 6, 2015**, and heard on or before **December 4, 2015**. Non-dispositive motions are heard
14 at 9:00 a.m. at the United States District Courthouse in Bakersfield, California, before the Honorable
15 Jennifer 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 CourtCall, provided a written

1 request to so appear is made to the Magistrate Judge's Courtroom Clerk no later than five court days
2 before the noticed hearing date.

3 All dispositive pre-trial motions shall be filed no later than **December 11, 2015**, and heard no
4 later than **January 15, 2016**, before the Honorable Jennifer L. Thurston, United States Magistrate
5 Judge, at the United States District Courthouse in Bakersfield, California. In scheduling such motions,
6 **counsel shall comply with Fed. R. Civ. P. 56 and Local Rules 230 and 260.**

7 **VI. Motions for Summary Judgment or Summary Adjudication**

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

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

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

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

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

25 **February 22, 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 The parties are ordered to file a **Joint Pretrial Statement pursuant to Local Rule 281(a)(2).**
28 The parties are further directed to submit a digital copy of their pretrial statement in Word format,

1 directly to Judge Thurston's chambers, by email at JLTOrders@caed.uscourts.gov.

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

7 **VIII. Trial Date**

8 **April 5, 2016**, at 8:30 a.m. at the United States District Courthouse in Bakersfield, California,
9 before the Honorable Jennifer L. Thurston, United States Magistrate Judge.

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

14 **IX. Settlement Conference**

15 If the parties believe the matter is in a settlement posture and desire a settlement conference
16 before a Magistrate Judge in Fresno, they may file a joint request that the Court schedule a settlement
17 conference. Alternatively, they may jointly request referral to the VDRP and will be supplied a neutral
18 to conduct a settlement conference in Bakersfield.

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

21 Not applicable at this time.

22 **XI. Related Matters Pending**

23 There are no pending related matters.

24 **XII. Compliance with Federal Procedure**

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

1 Procedure and the Local Rules of Practice for the Eastern District of California.

2 **XIII. Effect of this Order**

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

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

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

14
15 IT IS SO ORDERED.

16 Dated: December 30, 2014

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE