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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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JINJIANG DAXING (DIAPENIE)
TEXTILE CO., LTD., a Chinese
limited company,

Plaintiff,

v.

UV SKINZ, INC., a California
corporation; and DOES 1
through 100,

Defendant.

NO. CIV. 1:14-01926 WBS SKO

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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 March 30, 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 Venue is undisputed and is hereby found to be proper.

14 IV. DISCOVERY

15 The parties shall serve initial disclosures required by
16 Federal Rule of Civil Procedure 26(a)(1) by no later than April
17 13, 2015.

18 The parties shall disclose experts and produce reports
19 in accordance with Federal Rule of Civil Procedure 26(a)(2) by no
20 later than November 20, 2015. With regard to expert testimony
21 intended solely for rebuttal, those experts shall be disclosed
22 and reports produced in accordance with Federal Rule of Civil
23 Procedure 26(a)(2) on or before December 18, 2015.

24 The court declines to adopt defendant's proposal that
25 discovery be stayed until the parties complete the early ADR
26 process. All discovery, including depositions for preservation
27 of testimony, is left open, save and except that it shall be so
28 conducted as to be completed by January 29, 2016. The word

1 "completed" means that all discovery shall have been conducted so
2 that all depositions have been taken and any disputes relevant to
3 discovery shall have been resolved by appropriate order if
4 necessary and, where discovery has been ordered, the order has
5 been obeyed. All motions to compel discovery must be noticed on
6 the magistrate judge's calendar in accordance with the local
7 rules of this court and so that such motions may be heard (and
8 any resulting orders obeyed) not later than January 29, 2016.

9 V. MOTION HEARING SCHEDULE

10 All motions, except motions for continuances, temporary
11 restraining orders, or other emergency applications, shall be
12 filed on or before March 25, 2016. All motions shall be noticed
13 for the next available hearing date. Counsel are cautioned to
14 refer to the local rules regarding the requirements for noticing
15 and opposing such motions on the court's regularly scheduled law
16 and motion calendar.

17 VI. FINAL PRETRIAL CONFERENCE

18 The Final Pretrial Conference is set for June 6, 2016,
19 at 2:00 p.m. in Courtroom No. 5. The conference shall be
20 attended by at least one of the attorneys who will conduct the
21 trial for each of the parties and by any unrepresented parties.

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

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

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

13 VII. TRIAL SETTING

14 The jury trial is set for August 9, 2016 at 9:00 a.m.
15 The parties estimate that the trial will last four to five 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: March 24, 2015

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10 WILLIAM B. SHUBB
11 UNITED STATES DISTRICT JUDGE
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