

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

FANTA NELSON,

Plaintiff,

v.

COMMUNITY ACTION PARTNERSHIP
OF MADERA COUNTY, INC.,

Defendant.

No. 1:14-cv-02064-GEB-SKO

**STATUS (PRETRIAL SCHEDULING)
ORDER**

The status (pretrial scheduling) conference scheduled for hearing on July 20, 2015, is vacated since the parties' Joint Status Report filed on July 6, 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 September 29, 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 prescribed "completion" date.

1 final pretrial order without holding the scheduled final pretrial
2 conference. See Mizwicki v. Helwig, 196 F.3d 828, 833 (7th Cir.
3 1999) (“There is no requirement that the court hold a pretrial
4 conference.”).

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

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

28

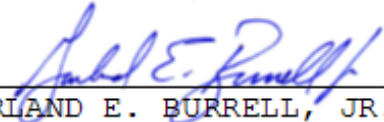
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

TRIAL SETTING

Trial shall commence at 9:00 a.m. on April 28, 2017.

IT IS SO ORDERED.

Dated: July 13, 2015



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