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**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

|                               |   |  |
|-------------------------------|---|--|
| LANDMARK EQUITY FUND II, LLC, | ) | 1:15-CV-0202- JLT                            |
|                               | ) |  |
| Plaintiff,                    | ) | SCHEDULING ORDER (Fed. R. Civ. P. 16)        |
|                               | ) |  |
| v.                            | ) | Pleading Amendment Deadline: 10/30/2015      |
|                               | ) |  |
| JULIO ARIAS, et al.,          | ) | Discovery Deadlines:                         |
|                               | ) | Initial Disclosures: 8/26/2015               |
| Defendants.                   | ) | Non-Expert: 3/15/2016                        |
|                               | ) | Expert: 3/15/2016                            |
|                               | ) | Mid-Discovery Status Conference:             |
|                               | ) | 12/14/2015 at 9:00 a.m.                      |
|                               | ) |  |
|                               | ) | Non-Dispositive Motion Deadlines:            |
|                               | ) | Filing: 3/21/2016                            |
|                               | ) | Hearing: 4/18/2016                           |
|                               | ) |  |
|                               | ) | Dispositive Motion Deadlines:                |
|                               | ) | Filing: 4/29/2016                            |
|                               | ) | Hearing: 6/10/2016                           |
|                               | ) |  |
|                               | ) | Pre-Trial Conference:                        |
|                               | ) | 7/22/2016 at 8:30 a.m.                       |
|                               | ) | 510 19 <sup>th</sup> Street, Bakersfield, CA |
|                               | ) |  |
|                               | ) | Trial: 9/6/2016 at 8:30 a.m.                 |
|                               | ) | 510 19 <sup>th</sup> Street, Bakersfield, CA |
|                               | ) | Trial: 1-4 days                              |
|                               | ) | Motion re: Jury v. Bench trial               |
|                               | ) | Concurrently filed briefs: 4/1/2016          |
|                               | ) | Reply briefs: 4/22/16                        |
|                               | ) | Hearing: 5/2/2016                            |

1 **I. Date of Scheduling Conference**

2 August 12, 2015.

3 **II. Appearances of Counsel**

4 No appearances by any counsel.

5 **III. Pleading Amendment Deadline**

6 Any requested pleading amendments are ordered to be filed, either through a stipulation or  
7 motion to amend, no later than **October 30, 2015**.

8 **IV. Discovery Plan and Cut-Off Date**

9 The parties **SHALL** exchange the initial disclosures required by Fed. R. Civ. P. 26(a)(1) on or  
10 before **August 26, 2015**.

11 The parties **SHALL** complete all discovery, pertaining to non-experts and experts, on or before  
12 **March 15, 2016**.

13 The parties **SHALL** disclose all expert witnesses, in writing, on or **February 1, 2016**, and to  
14 disclose all rebuttal experts on or before **February 22, 2016**. The written designation of retained and  
15 non-retained experts shall **be made pursuant to Fed. R. Civ. P. Rule 26(a)(2), (A), (B), and (C) and**  
16 **shall include all information required thereunder**. Failure to designate experts in compliance with  
17 this order may result in the Court excluding the testimony or other evidence offered through such  
18 experts that are not disclosed pursuant to this order.

19 The written designation of retained and non-retained experts shall **be made pursuant to Fed. R.**  
20 **Civ. P. 26(a)(2), (A), (B), and (C) and shall include all information required thereunder**. Failure to  
21 designate experts in compliance with this order may result in the Court excluding the testimony or other  
22 evidence offered through such experts that are not disclosed pursuant to this order.

23 The provisions of Fed. R. Civ. P. 26(b)(4) and (5) shall apply to all discovery relating to experts  
24 and their opinions. Experts must be fully prepared to be examined on all subjects and opinions  
25 included in the designation. Failure to comply will result in the imposition of sanctions, which may  
26 include striking the expert designation and preclusion of expert testimony.

27 The provisions of Fed. R. Civ. P. 26(e) regarding a party's duty to timely supplement  
28 disclosures and responses to discovery requests will be strictly enforced.

1 The Court sets a mid-discovery status conference on **December 14, 2015**, at 9:00 a.m. at the  
2 United States District Courthouse located at 510 19th Street, Bakersfield, California. A Joint Mid-  
3 Discovery Status Conference Report, carefully prepared and executed by all counsel, shall be filed **one**  
4 **week prior** to the Conference and shall be e-mailed, in Word format to, JLTorders@caed.uscourts.gov.  
5 The report SHALL detail the discovery completed to date, the discovery still outstanding and whether  
6 there are any impediments to completing discovery within the current deadlines. Counsel may appear  
7 by telephone via the CourtCall service.

8 **V. Pre-Trial Motion Schedule**

9 All non-dispositive pre-trial motions, including any discovery motions, shall be filed no later  
10 than **March 21, 2016**, and heard on or before **April 18, 2016**. Non-dispositive motions are heard at  
11 9:00 a.m. at the United States District Courthouse in Bakersfield, California, before the Honorable  
12 Jennifer L. Thurston, United States Magistrate Judge.

13 No written discovery motions shall be filed without the prior approval of the assigned  
14 Magistrate Judge. A party with a discovery dispute must first confer with the opposing party in a good  
15 faith effort to resolve by agreement the issues in dispute. If that good faith effort is unsuccessful, the  
16 moving party promptly shall seek a telephonic hearing with all involved parties and the Magistrate  
17 Judge. It shall be the obligation of the moving party to arrange and originate the conference call to the  
18 court. To schedule this telephonic hearing, the parties are ordered to contact Courtroom Deputy Clerk,  
19 Susan Hall at (661) 326-6620 or via email at SHall@caed.uscourts.gov. **Counsel must comply with**  
20 **Local Rule 251 with respect to discovery disputes or the motion will be denied without prejudice**  
21 **and dropped from calendar.**

22 In scheduling such motions, the Court may grant applications for an order shortening time  
23 pursuant to Local Rule 144(e). However, if counsel does not obtain an order shortening time, the  
24 notice of motion must comply with Local Rule 251.

25 Counsel may appear and argue non-dispositive motions by telephone via the CourtCall service.

26 All dispositive pre-trial motions shall be filed no later than **April 29, 2016**, and heard no later  
27 than **June 10, 2016**, before the Honorable Jennifer L. Thurston, United States Magistrate Judge, at the  
28 United States District Courthouse in Bakersfield, California. In scheduling such motions, **counsel shall**

1 **comply with Fed. R. Civ. P. 56 and Local Rules 230 and 260.**

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

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

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

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

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

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

20 **July 22, 2016**, at 8:30 a.m. at the United States District Courthouse in Bakersfield, California.

21 The parties are ordered to file a **Joint Pretrial Statement pursuant to Local Rule 281(a)(2)**  
22 and to submit a digital copy of their pretrial statement in Word format, directly to Judge Thurston's  
23 chambers, via email to JLTOrders@caed.uscourts.gov.

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

1 **VIII. Trial Date**

2 **September 6, 2016**, at 8:30 a.m. at the United States District Courthouse in Bakersfield,  
3 California, before the Honorable Jennifer L. Thurston, United States Magistrate Judge.

4 A. Whether this will be a jury trial will be determined.

5 B. Counsels' Estimate of Trial Time: 1-4 days.

6 C. Counsels' attention is directed to Local Rules of Practice for the Eastern District of  
7 California, Rule 285.

8 No later than **April 1, 2016**, the parties **SHALL** file briefs detailing why they believe a jury is  
9 or is not, warranted in this case. The parties may file reply briefs no later than **April 22, 2016**. The  
10 Court sets a hearing on the matter on **May 6, 2016** at 9:00 a.m. CourtCall appearances are authorized.

11 **IX. Settlement Conference**

12 If the parties believe the matter is in a settlement posture and desire a settlement conference,  
13 they may file a joint request that the Court schedule a settlement conference.

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

16 Not applicable at this time.

17 **XI. Related Matters Pending**

18 There are no pending related matters.

19 **XII. Compliance with Federal Procedure**

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

25 **XIII. Effect of this Order**

26 The foregoing order represents the best estimate of the court and counsel as to the agenda most  
27 suitable to dispose of this case. The trial date reserved is specifically reserved for this case. If the  
28 parties determine at any time that the schedule outlined in this order cannot be met, counsel are ordered

1 to notify the court immediately of that fact so that adjustments may be made, either by stipulation or by  
2 subsequent status conference.

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

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

9  
10 IT IS SO ORDERED.

11 Dated: August 12, 2015

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE