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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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TRAVELERS INDEMNITY COMPANY  
OF CONNECTICUT, a Connecticut  
corporation, FIDELITY &  
GUARANTY INSURANCE COMPANY,  
an IOWA corporation,  
  
                                Plaintiffs,  
  
                                v.  
  
KB HOME NORTH BAY, INC., a  
California corporation; and  
DOES 1 through 10, inclusive,  
  
                                Defendants.

NO. CIV. 1:15-00481 WBS EFB

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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 August 17, 2015, and makes the following findings and orders without needing to consult with the parties any further.

I. SERVICE OF PROCESS

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

4 II. JOINDER OF PARTIES/AMENDMENTS

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

10 III. JURISDICTION/VENUE

11 Jurisdiction is predicated upon 28 U.S.C. § 1332  
12 because diversity of citizenship exists between the parties and  
13 the amount in controversy exceeds the sum of \$75,000.00. Venue  
14 is undisputed and is hereby found to be proper.

15 IV. DISCOVERY

16 Parties shall serve initial disclosures required by  
17 Federal Rule of Civil Procedure 26(a)(1) by no later than  
18 September 15, 2015.

19 The parties shall disclose experts and produce reports  
20 in accordance with Federal Rule of Civil Procedure 26(a)(2) by no  
21 later than August 8, 2016. With regard to expert testimony  
22 intended solely for rebuttal, those experts shall be disclosed  
23 and reports produced in accordance with Federal Rule of Civil  
24 Procedure 26(a)(2) on or before September 6, 2016.

25 All discovery, including depositions for preservation  
26 of testimony and expert discovery, is left open, save and except  
27 that it shall be so conducted as to be completed by October 28,  
28 2016. The word "completed" means that all discovery shall have

1 been conducted so that all depositions have been taken and any  
2 disputes relevant to discovery shall have been resolved by  
3 appropriate order if necessary and, where discovery has been  
4 ordered, the order has been obeyed. All motions to compel  
5 discovery must be noticed on the magistrate judge's calendar in  
6 accordance with the local rules of this court and so that such  
7 motions may be heard (and any resulting orders obeyed) not later  
8 than October 28, 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 December 2, 2016. All motions shall be  
13 noticed for the next available hearing date. Counsel are  
14 cautioned to refer to the local rules regarding the requirements  
15 for noticing and opposing such motions on the court's regularly  
16 scheduled law and motion calendar.

17 VI. FINAL PRETRIAL CONFERENCE

18 The Final Pretrial Conference is set for February 13,  
19 2017, 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 Plaintiffs have requested a trial by jury. The jury  
15 trial is set for April 4, 2017 at 9:00 a.m. The parties estimate  
16 that the trial will take thirteen to fifteen days.

17 VIII. SETTLEMENT CONFERENCE

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

22 Counsel are instructed to have a principal with full  
23 settlement authority present at the Settlement Conference or to  
24 be fully authorized to settle the matter on any terms. At least  
25 seven calendar days before the Settlement Conference counsel for  
26 each party shall submit a confidential Settlement Conference  
27 Statement for review by the settlement judge. If the settlement  
28 judge is not the trial judge, the Settlement Conference

1 Statements shall not be filed and will not otherwise be disclosed  
2 to the trial judge.

3 IX. MODIFICATIONS TO SCHEDULING ORDER

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

9 Dated: August 12, 2015

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11 WILLIAM B. SHUBB  
12 UNITED STATES DISTRICT JUDGE  
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