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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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ADAM GOODWIN, individually  
and individually on behalf of  
all others similarly  
situated,  
  
                                Plaintiffs,  
  
                                v.  
  
WINN MANAGEMENT GROUP LLC, a  
Massachusetts Limited  
Liability Company, and Does 1  
through 100, inclusive,  
  
                                Defendants.

CIV. NO. 1:15-00606 WBS EPG

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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 November 9, 2015, and makes the following findings and orders without needing to consult with the parties any further.

1 I. SERVICE OF PROCESS

2 The named defendant has been served, and no further  
3 service is permitted without leave of court, good cause having  
4 been shown under Federal Rule of Civil Procedure 16(b).

5 II. JOINDER OF PARTIES/AMENDMENTS

6 No further joinder of parties or amendments to  
7 pleadings will be permitted except with leave of court, good  
8 cause having been shown under Federal Rule of Civil Procedure  
9 16(b). See Johnson v. Mammoth Recreations, Inc., 975 F.2d 604  
10 (9th Cir. 1992).

11 III. JURISDICTION/VENUE

12 Jurisdiction is predicated upon federal question  
13 jurisdiction, 28 U.S.C. § 1331, because plaintiff's claims arise  
14 under the Fair Labor Standards Act of 1938, 29 U.S.C. § 216(b).  
15 The court has supplemental jurisdiction over plaintiff's state  
16 law claims, 28 U.S.C. § 1367(a). In the alternative, the court  
17 has diversity jurisdiction under the Class Action Fairness Act of  
18 2005, 28 U.S.C. § 1332(d). Venue is undisputed and is hereby  
19 found to be proper.

20 IV. DISCOVERY

21 The parties did not submit a detailed discovery plan to  
22 the court but instead requested that the issue be deferred until  
23 after a ruling on class certification. Pursuant to Federal Rule  
24 of Civil Procedure 16(b), the court "must issue a scheduling  
25 order . . . after receiving the parties' report under Rule 26(f)"  
26 and the report "must limit the time to join other parties, amend  
27 the pleadings, complete discovery, and file motions." Fed. R.  
28 Civ. P. 16(b)(1), (3) (emphasis added). As a result, the court

1 cannot defer issuing a discovery plan until a ruling on class  
2 certification.

3           The parties shall serve the initial disclosures  
4 required by Federal Rule of Civil Procedure 26(a)(1) by no later  
5 than November 6, 2015.

6           The parties shall disclose experts and produce reports  
7 in accordance with Federal Rule of Civil Procedure 26(a)(2) by no  
8 later than June 10, 2016. With regard to expert testimony  
9 intended solely for rebuttal, those experts shall be disclosed  
10 and reports produced in accordance with Federal Rule of Civil  
11 Procedure 26(a)(2) on or before July 8, 2016.

12           All discovery, including depositions for preservation  
13 of testimony, is left open, save and except that it shall be so  
14 conducted as to be completed by August 5, 2016. The word  
15 "completed" means that all discovery shall have been conducted so  
16 that all depositions have been taken and any disputes relevant to  
17 discovery shall have been resolved by appropriate order if  
18 necessary and, where discovery has been ordered, the order has  
19 been obeyed. All motions to compel discovery must be noticed on  
20 the magistrate judge's calendar in accordance with the local  
21 rules of this court and so that such motions may be heard (and  
22 any resulting orders obeyed) not later than August 5, 2016.

23           V. MOTION HEARING SCHEDULE

24           All motions, except motions for continuances, temporary  
25 restraining orders, or other emergency applications, shall be  
26 filed on or before October 7, 2016. All motions shall be noticed  
27 for the next available hearing date. Counsel are cautioned to  
28 refer to the local rules regarding the requirements for noticing

1 and opposing such motions on the court's regularly scheduled law  
2 and motion calendar.

3 VII. FINAL PRETRIAL CONFERENCE

4 The Final Pretrial Conference is set for December 19,  
5 2016, at 1:30 p.m. in Courtroom No. 5. The conference shall be  
6 attended by at least one of the attorneys who will conduct the  
7 trial for each of the parties and by any unrepresented parties.

8 Counsel for all parties are to be fully prepared for  
9 trial at the time of the Pretrial Conference, with no matters  
10 remaining to be accomplished except production of witnesses for  
11 oral testimony. Counsel shall file separate pretrial statements,  
12 and are referred to Local Rules 281 and 282 relating to the  
13 contents of and time for filing those statements. In addition to  
14 those subjects listed in Local Rule 281(b), the parties are to  
15 provide the court with: (1) a plain, concise statement which  
16 identifies every non-discovery motion which has been made to the  
17 court, and its resolution; (2) a list of the remaining claims as  
18 against each defendant; and (3) the estimated number of trial  
19 days.

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

27 VIII. TRIAL SETTING

28 The jury trial is set for February 28, 2017 at 9:00

1 a.m.

2 IX. SETTLEMENT CONFERENCE


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

7 Counsel are instructed to have a principal with full  
8 settlement authority present at the Settlement Conference or to  
9 be fully authorized to settle the matter on any terms. At least  
10 seven calendar days before the Settlement Conference counsel for  
11 each party shall submit a confidential Settlement Conference  
12 Statement for review by the settlement judge. If the settlement  
13 judge is not the trial judge, the Settlement Conference  
14 Statements shall not be filed and will not otherwise be disclosed  
15 to the trial judge.

16 X. MODIFICATIONS TO SCHEDULING ORDER

17 Any requests to modify the dates or terms of this  
18 Scheduling Order, except requests to change the date of the  
19 trial, may be heard and decided by the assigned Magistrate Judge.  
20 All requests to change the trial date shall be heard and decided  
21 only by the undersigned judge.

22 Dated: November 4, 2015

23   
24 **WILLIAM B. SHUBB**  
25 **UNITED STATES DISTRICT JUDGE**

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