

1 Richard Marca appeared on behalf of Defendant.

2 **III. Pleading Amendment Deadline**

3 Any requested pleading amendments are ordered to be filed, either through a stipulation or
4 motion to amend, no later than **October 10, 2015**.

5 **IV. Class Discovery Plan and Cut-Off Date**

6 The parties are ordered to exchange the initial disclosures required by Fed. R. Civ. P. 26(a)(1)
7 on or before **August 24, 2015**.

8 The parties agree Defendant may take Plaintiff's deposition in two sessions. They agree further
9 that the combined sessions will not exceed 14 hours.

10 The parties are ordered to complete all discovery pertaining to non-experts on or before **June 6,**
11 **2016**, and all discovery pertaining to experts, on or before **August 22, 2016**.

12 The parties are directed to disclose all class-related expert witnesses, in writing, on or before
13 **June 28, 2015**, and to disclose all rebuttal experts on or before **July 25, 2016**. The written designation
14 of retained and non-retained experts **shall be made pursuant to Fed. R. Civ. P. Rule 26(a)(2), (A),**
15 **(B), and (C) and shall include all information required thereunder**. Failure to designate experts in
16 compliance with this order may result in the Court excluding the testimony or other evidence offered
17 through such experts that are not disclosed pursuant to this order.

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

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

24 A mid-discovery status conference is scheduled for **January 15, 2016** at 9:00 a.m. A Joint
25 Mid-Discovery Status Conference Report, carefully prepared and executed by all counsel, shall be
26 electronically filed in CM/ECF, one full week prior to the Conference, and shall be e-mailed, in Word
27 format, to JLTorders@caed.uscourts.gov. The joint statement SHALL outline the discovery that has
28 been completed and that which needs to be completed as well as any impediments to completing the

1 discovery within the deadlines set forth in this order. Counsel may appear via CourtCall.

2 **V. Non-Dispositive Motions**

3 Any non-dispositive motions **SHALL** be filed no later than **August 28, 2016**, and heard no later
4 than **September 26, 2016**.

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

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

16 Counsel may appear and argue non-dispositive motions via CourtCall.

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

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

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

27 The moving party shall initiate the meeting and **SHALL** provide a complete, proposed
28 statement of undisputed facts **at least five days** before the conference. The finalized joint statement

1 of undisputed facts **SHALL** include all facts that the parties agree, for purposes of the motion, may
2 be deemed true. In addition to the requirements of Local Rule 260, the moving party shall file the
3 joint statement of undisputed facts.

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

6 Dispositive motions **SHALL** be filed no later than **October 17, 2016**. Opposition to the motion
7 **SHALL** be filed no later than **December 5, 2016**.¹ Neither the motion nor the opposition **SHALL**
8 exceed 30 pages, exclusive of evidence and evidentiary objections, unless the Court grants leave prior
9 to the filing of the pertinent pleading; requests for leave after the filing will be disregarded and all
10 pages over 30 pages will not be considered. Any reply **SHALL** be filed no later than **January 9, 2017**.
11 The motion will be heard at the same time as the motion for class certification, unless it is filed
12 significantly before October 17, 2016 or there is a reason for it to be heard separately.

13 **VII. Motion for Class Certification**

14 The motion for class certification **SHALL** be filed no later than **October 17, 2016**. Opposition
15 to the motion **SHALL** be filed no later than **December 5, 2016**. Neither the motion nor the opposition
16 **SHALL** exceed 30 pages, exclusive of evidence and evidentiary objections, unless the Court grants
17 leave prior to the filing of the pertinent; requests for leave after the filing will be disregarded and all
18 pages over 30 pages will not be considered. Any reply **SHALL** be filed no later than **January 9, 2017**
19 and shall not exceed 15 pages, exclusive of evidentiary objections.

20 Any objections to the evidence **SHALL** be filed at the same time as the opposition (for
21 Defendant) and the reply (for Plaintiff).² A hard-copy, courtesy copy of all filings **SHALL** be sent via
22 overnight mail to the Chambers of Judge Thurston at the United States Courthouse, 510 19th Street
23 Suite 200, Bakersfield, CA 93301, at the same time the filing is submitted. All of the evidence in the
24 hard-copy **SHALL** be numbered, tabbed and indexed.

25 The hearing on the motion for class certification is set on **February 8, 2017**, at 9:00 a.m.
26

27 ¹ In the event a dispositive motion is filed earlier than October 17, 2016, the moving party may set it for
28 hearing consistent with Local Rule 230 and opposing and reply dates likewise, will be determined by Local Rule 230.

² No motions to strike evidence will be entertained. If objections are sustained, the evidence will not be considered.

1 **VIII. Settlement Conference**

2 If the parties believe the action is in a settlement posture, they may file a joint written request
3 for a conference with the Court, including proposed dates for the conference. At that time, a settlement
4 conference will be set before a Magistrate Judge in Fresno, California.

5 **IX. Compliance with Federal Procedure**

6 All counsel are expected to familiarize themselves with the Federal Rules of Civil Procedure
7 and the Local Rules of Practice of the Eastern District of California, and to keep abreast of any
8 amendments thereto. The Court must insist upon compliance with these Rules if it is to efficiently
9 handle its increasing caseload, and sanctions will be imposed for failure to follow both the Federal
10 Rules of Civil Procedure and the Local Rules of Practice for the Eastern District of California.

11 **X. Effect of this Order**

12 The foregoing order represents the best estimate of the court and counsel as to the agenda most
13 suitable to dispose of this case. The hearing dates are specifically reserved for this case. If the parties
14 determine at any time that the schedule outlined in this order cannot be met, counsel are ordered to
15 notify the court immediately of that fact so that adjustments may be made, either by stipulation or by
16 subsequent status conference.

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

21
22 IT IS SO ORDERED.

23 Dated: August 10, 2015

/s/ Jennifer L. Thurston
24 UNITED STATES MAGISTRATE JUDGE