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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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LINDA GAY WHEAT,  
Plaintiff,  
  
v.  
  
FERRING PHARMACEUTICALS,  
INC., KENNY MAI, M.D., and  
DOES 1 to 100, inclusive,  
  
Defendants.

NO. CIV. 1:15-00714 WBS GSA

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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 3, 2015, and makes the following findings and orders without needing to consult with the parties any further.

I. SERVICE OF PROCESS

All named defendants have been served, and no further

1 service is permitted without leave of court, good cause having  
2 been shown under Federal Rule of Civil Procedure 16(b).

3 II. JOINDER OF PARTIES/AMENDMENTS

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

9 III. JURISDICTION/VENUE

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

14 IV. DISCOVERY

15 Parties shall serve initial disclosures required by  
16 Federal Rule of Civil Procedure 26(a)(1) by no later than August  
17 30, 2015.

18 The parties shall disclose experts and produce reports  
19 in accordance with Federal Rule of Civil Procedure 26(a)(2) by no  
20 later than March 25, 2016. With regard to expert testimony  
21 intended solely for rebuttal, those experts shall be disclosed  
22 and reports produced in accordance with Federal Rule of Civil  
23 Procedure 26(a)(2) on or before April 22, 2016.

24 All discovery, including depositions for preservation  
25 of testimony and expert discovery, is left open, save and except  
26 that it shall be so conducted as to be completed by May 23, 2016.  
27 The word "completed" means that all discovery shall have been  
28 conducted so that all depositions have been taken and any

1 disputes relevant to discovery shall have been resolved by  
2 appropriate order if necessary and, where discovery has been  
3 ordered, the order has been obeyed. All motions to compel  
4 discovery must be noticed on the magistrate judge's calendar in  
5 accordance with the local rules of this court and so that such  
6 motions may be heard (and any resulting orders obeyed) not later  
7 than May 23, 2016.

8 V. MOTION HEARING SCHEDULE

9 All motions, except motions for continuances, temporary  
10 restraining orders, or other emergency applications, shall be  
11 filed on or before June 6, 2016. All motions shall be noticed  
12 for the next available hearing date. Counsel are cautioned to  
13 refer to the local rules regarding the requirements for noticing  
14 and opposing such motions on the court's regularly scheduled law  
15 and motion calendar.

16 VI. FINAL PRETRIAL CONFERENCE

17 The Final Pretrial Conference is set for August 15,  
18 2016, at 2:00 p.m. in Courtroom No. 5. The conference shall be  
19 attended by at least one of the attorneys who will conduct the  
20 trial for each of the parties and by any unrepresented parties.

21 Counsel for all parties are to be fully prepared for  
22 trial at the time of the Pretrial Conference, with no matters  
23 remaining to be accomplished except production of witnesses for  
24 oral testimony. Counsel shall file separate pretrial statements,  
25 and are referred to Local Rules 281 and 282 relating to the  
26 contents of and time for filing those statements. In addition to  
27 those subjects listed in Local Rule 281(b), the parties are to  
28 provide the court with: (1) a plain, concise statement which

1 identifies every non-discovery motion which has been made to the  
2 court, and its resolution; (2) a list of the remaining claims as  
3 against each defendant; and (3) the estimated number of trial  
4 days.

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

12 VII. TRIAL SETTING

13 Defendant has requested a trial by jury. The jury  
14 trial is set for October 12, 2016 at 9:00 a.m. The parties  
15 estimate that the trial will take five to ten days.

16 VIII. SETTLEMENT CONFERENCE

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


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

1 to the trial judge.

2 IX. MODIFICATIONS TO SCHEDULING ORDER

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

8 Dated: July 29, 2015

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10 WILLIAM B. SHUBB  
11 UNITED STATES DISTRICT JUDGE  
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