

1 for summary judgment. Once that motion is determined, the Court will set s further conference to
2 develop a schedule for the remainder of the case.

3 Counsel SHALL work together to develop a protective order, if needed, so as not to delay
4 production of any information sought in discovery.

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

6 Non-dispositive motions are heard before the Magistrate Judge Jennifer L. Thurston at the
7 United States Courthouse in Bakersfield, California.

8 **No motion to amend or stipulation to amend the case schedule will be entertained unless it**
9 **is filed at least one week before the first deadline the parties wish to extend.** Likewise, the parties
10 may not file a written discovery motion without the prior approval of the assigned Magistrate Judge. A
11 party with a discovery dispute must first confer with the opposing party in a good faith effort to resolve
12 by agreement the issues in dispute. If that good faith effort is unsuccessful, the moving party promptly
13 shall seek a telephonic hearing with all involved parties and the Magistrate Judge. It shall be the
14 obligation of the moving party to arrange and originate the conference call to the court. To schedule
15 this telephonic hearing, the parties SHALL contact Courtroom Deputy Clerk, Susan Hall at (661) 326-
16 6620 or via email at SHall@caed.uscourts.gov. **Counsel must comply with Local Rule 251 with**
17 **respect to discovery disputes or the motion will be denied without prejudice and dropped from**
18 **calendar.**

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

22 Counsel may appear and argue non-dispositive motions via CourtCall, providing a written
23 request to so appear is made to the Magistrate Judge's Courtroom Clerk no later than five court days
24 before the noticed hearing date.

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

26 The dispositive motion¹—discussed at the scheduling conference and a draft of which has been
27

28 _____
¹ Defendants' counsel acknowledged at the hearing that leave of the Court would be required to file a second motion for summary judgment.

1 provided to Plaintiffs' counsel—shall be filed no later than **May 13, 2016**, and heard in Courtroom 5 at
2 8:30 a.m. by the Honorable Dale A. Drozd, United States District Court Judge. In scheduling such
3 motions, **counsel shall comply with Fed. R. Civ. P. 56 and Local Rules 230 and 260.**

4 **No later than April 25, 2016**, counsel for Defendants SHALL provide counsel for Plaintiffs' a
5 finalized proposed joint statement of facts. **No later than May 6, 2016**, Plaintiffs SHALL review the
6 proposed joint statement of facts and notify Defendants which facts are undisputed and which facts are
7 disputed. As to the facts that are disputed, Plaintiffs' SHALL alert Defendants of any changes to the
8 language of the facts which could made to eliminate the dispute.

9 The finalized joint statement of undisputed facts SHALL include all facts that the parties agree,
10 for purposes of the motion, may be deemed true. In addition to the requirements of Local Rule 260, the
11 moving party shall file the joint statement of undisputed facts.

12 In the notice of motion the moving party SHALL certify that the parties have met and conferred
13 as ordered above, or set forth a statement of good cause for the failure to meet and confer. **Failure to**
14 **comply may result in the motion being stricken.**

15 **VII. Status Conference Dates**

16 The Court sets two status conferences on **July 7, 2016** at 9:30 a.m. and on **January 13, 2017** at
17 9:00 a.m. before Magistrate Judge Jennifer L. Thurston, the United States Courthouse located at 510
18 19th Street, Bakersfield, California, 93301. Counsel SHALL file a joint status conference report one
19 week before the conferences. The report SHALL also be lodged via e-mail to
20 JLTorders@caed.uscourts.gov. The joint statement SHALL outline the discovery that has been
21 completed and that which needs to be completed related to the motion for summary judgment as well as
22 any impediments to complying with the deadlines set forth in this order. Counsel may appear via
23 CourtCall.

24 **VIII. Request for Bifurcation, Appointment of Special Master, or other Techniques to Shorten**
25 **Trial**

26 Not applicable at this time.

27 **IX. Related Matters Pending**

28 There are no pending related matters.

1 **X. Compliance with Federal Procedure**

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

7 **XI. Effect of this Order**

8 The foregoing order represents the best estimate of the court and counsel as to the agenda most
9 suitable to proceed in this case. If the parties determine at any time that the schedule outlined in this
10 order cannot be met, counsel are ordered to notify the court immediately of that fact so that adjustments
11 may be made, either by stipulation or by subsequent status conference.

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

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

18
19 IT IS SO ORDERED.

20 Dated: April 21, 2016

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE