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**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

GERALD GLENN WALKER, RAY	)	Case No.: 1:15-CV-01206- JLT
STEWARD, and FOSTER BROWN,	)	
	)	SCHEDULING ORDER (Fed. R. Civ. P. 16)
Plaintiffs,	)	
	)	Pleading Amendment Deadline: 2/15/2016
v.	)	
	)	Discovery Deadlines:
PERFORMANCE CONTRACTING, INC.	)	Initial Disclosures: 11/24/2015
and VANCE MANNING,	)	Non-Expert: 6/17/2016
	)	Expert: 7/15/2016
Defendants.	)	Mid-Discovery Status Conference:
	)	3/7/2016 at 9:00 a.m.
		Non-Dispositive Motion Deadlines:
		Filing: 6/1/2016
		Hearing: 7/1/2016
		Dispositive Motion Deadlines:
		Filing: 6/1/2016
		Hearing: 7/15/2016
		Pre-Trial Conference:
		8/15/2016 at 8:30 a.m.
		510 19 <sup>th</sup> Street, Bakersfield, CA
		Trial: 10/11/2016 at 8:30 a.m.
		510 19 <sup>th</sup> Street, Bakersfield, CA
		Jury trial: 5 days

1 **I. Date of Scheduling Conference**

2 November 17, 2015.

3 **II. Appearances of Counsel**

4 Randall Rumph appeared on behalf of Plaintiffs.

5 Christine Mueller appeared on behalf of Defendants.

6 **III. Pleading Amendment Deadline**

7 Any requested pleading amendments are ordered to be filed, either through a stipulation or  
8 motion to amend, no later than **February 15, 2016**.

9 **IV. Discovery Plan and Cut-Off Date**

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

12 The parties are ordered to complete all discovery pertaining to non-experts on or before **June 17,**  
13 **2016**, and all discovery pertaining to experts on or before **July 15, 2016**.

14 The parties are directed to disclose all expert witnesses, in writing, on or **May 27, 2016**, and to  
15 disclose all rebuttal experts on or before **June 27, 2016**. The written designation of retained and non-  
16 retained experts shall **be made pursuant to Fed. R. Civ. P. Rule 26(a)(2), (A), (B), and (C) and shall**  
17 **include all information required thereunder**. Failure to designate experts in compliance with this  
18 order may result in the Court excluding the testimony or other evidence offered through such experts  
19 that are not disclosed pursuant to this order.

20 The written designation of retained and non-retained experts shall **be made pursuant to Fed. R.**  
21 **Civ. P. 26(a)(2), (A), (B), and (C) and shall include all information required thereunder**. Failure to  
22 designate experts in compliance with this order may result in the Court excluding the testimony or other  
23 evidence offered through such experts that are not disclosed pursuant to this order.

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

28 The provisions of Fed. R. Civ. P. 26(e) regarding a party's duty to timely supplement

1 disclosures and responses to discovery requests will be strictly enforced.

2 A mid-discovery status conference is scheduled for **March 7, 2016** at 9:00 a.m. before the  
3 Honorable Jennifer L. Thurston, United States Magistrate Judge, at the United States District  
4 Courthouse located at 510 19th Street, Bakersfield, California. A Joint Mid-Discovery Status  
5 Conference Report, carefully prepared and executed by all counsel, shall be electronically filed in  
6 CM/ECF, one full week prior to the Conference and shall be e-mailed, in Word format to,  
7 JLTorders@caed.uscourts.gov. In the report, counsel SHALL detail the discovery conducted to date  
8 and that which remains to be completed and whether there are any impediments to meeting the  
9 deadlines in the case schedule. Counsel may appear via CourtCall.

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

11 All non-dispositive pre-trial motions, including any discovery motions, shall be filed no later  
12 than **June 1, 2016**, and heard on or before **July 1, 2016**. Non-dispositive motions are heard at 9:00  
13 a.m. at the United States District Courthouse in Bakersfield, California, before the Honorable Jennifer  
14 L. Thurston, United States Magistrate Judge.

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

24 In scheduling such motions, the Magistrate Judge may grant applications for an order shortening  
25 time pursuant to Local Rule 144(e). However, if counsel does not obtain an order shortening time, the  
26 notice of motion must comply with Local Rule 251. Counsel may appear and argue non-dispositive  
27 motions via the CourtCall service.

28 All dispositive pre-trial motions shall be filed no later than **June 1, 2016**, and heard no later

1 than **July 15, 2016**, before the Honorable Jennifer L. Thurston, United States Magistrate Judge, at the  
2 United States District Courthouse in Bakersfield, California. In scheduling such motions, **counsel shall**  
3 **comply with Fed. R. Civ. P. 56 and Local Rules 230 and 260.**

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

5 Neither the motion nor the opposition **SHALL** exceed 30 pages, exclusive of evidence and  
6 evidentiary objections, unless the Court grants leave prior to the filing of the pertinent pleading;  
7 requests for leave after the filing **will be disregarded** and all pages over 30 pages will not be considered.

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

11 The purpose of the meeting shall be to: 1) avoid filing motions for summary judgment where a  
12 question of fact exists; 2) determine whether the respondent agrees that the motion has merit in whole  
13 or in part; 3) discuss whether issues can be resolved without the necessity of briefing; 4) narrow the  
14 issues for review by the court; 5) explore the possibility of settlement before the parties incur the  
15 expense of briefing a summary judgment motion; and, 6) to develop a joint statement of undisputed  
16 facts.

17 The moving party **SHALL** initiate the meeting and **SHALL** provide a complete, proposed  
18 statement of undisputed facts **at least five days before** the conference. The finalized joint statement of  
19 undisputed facts **SHALL** include all facts that the parties agree, for purposes of the motion, may be  
20 deemed true. In addition to the requirements of Local Rule 260, the moving party shall file the joint  
21 statement of undisputed facts.

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

25 **VII. Pre-Trial Conference Date**

26 **August 15, 2016**, at 8:30 a.m. at the United States District Courthouse in Bakersfield,  
27 California before the Honorable Jennifer L. Thurston, United States Magistrate Judge.

28 The parties are ordered to file a **Joint Pretrial Statement pursuant to Local Rule 281(a)(2).**

1 The parties are further directed to submit a digital copy of their pretrial statement in Word format,  
2 directly to Judge Thurston's chambers, by email at JLTOOrders@caed.uscourts.gov.

3         Counsels' attention is directed to **Rules 281 and 282 of the Local Rules** of Practice for the  
4 Eastern District of California, as to the obligations of counsel in preparing for the pre-trial conference.  
5 The Court will insist upon strict compliance with those rules. In addition to the matters set forth in the  
6 Local Rules the Joint Pretrial Statement shall include a Joint Statement of the case to be used by the  
7 Court to explain the nature of the case to the jury during voir dire.

8 **VIII. Trial Date**

9         **October 11, 2016**, at 8:30 a.m. at the United States District Courthouse in Bakersfield,  
10 California, before the Honorable Jennifer L. Thurston, United States Magistrate Judge.

11         A. This is a jury trial.

12         B. Counsels' Estimate of Trial Time: 5 days.

13         C. Counsels' attention is directed to Local Rules of Practice for the Eastern District of  
14 California, Rule 285.

15 **IX. Settlement Conference**

16         If the parties believe the matter is in a settlement posture and desire a settlement conference,  
17 they may file a joint request that the Court schedule a settlement conference.

18 **X. Request for Bifurcation, Appointment of Special Master, or other Techniques to Shorten**  
19 **Trial**

20         Not applicable at this time.

21 **XI. Related Matters Pending**

22         There are no pending related matters.

23 **XII. Compliance with Federal Procedure**

24         All counsel are expected to familiarize themselves with the Federal Rules of Civil Procedure  
25 and the Local Rules of Practice of the Eastern District of California, and to keep abreast of any  
26 amendments thereto. The Court must insist upon compliance with these Rules to efficiently handle its  
27 increasing case load, and sanctions will be imposed for failure to follow both the Federal Rules of Civil  
28 Procedure and the Local Rules of Practice for the Eastern District of California.

1 **XIII. Effect of this Order**

2 The foregoing order represents the best estimate of the court and counsel as to the agenda most  
3 suitable to dispose of this case. The trial date reserved is specifically reserved for this case. If the  
4 parties determine at any time that the schedule outlined in this order cannot be met, counsel are ordered  
5 to notify the court immediately of that fact so that adjustments may be made, either by stipulation or by  
6 subsequent status conference.

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

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

13  
14 IT IS SO ORDERED.

15 Dated: November 17, 2015

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