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

WILLIAM JOHNSON,

Plaintiff,

v.

CITY OF RIDGECREST,

Defendant.

) Case No.: 1:15-CV-01540- JLT
)
) SCHEDULING ORDER (Fed. R. Civ. P. 16)
)
) Pleading Amendment Deadline: 6/24/2016
)
) Discovery Deadlines:
) Non-Expert: 12/12/2016
) Expert: 1/2/2017
) Mid-Discovery Status Conference:
) 8/15/2016 at 8:30 a.m.

) Non-Dispositive Motion Deadlines:
) Filing: 1/20/2017
) Hearing: 2/17/2017

) Dispositive Motion Deadlines:
) Filing: 1/20/2017
) Hearing: 3/3/2017

) Trial: 3/28/2017 at 8:30 a.m.
) 510 19th Street, Bakersfield, CA
) Bench trial: 2-3 days

I. Date of Scheduling Conference

January 22, 2016.

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1 **II. Appearances of Counsel**

2 Dennis Price appeared on behalf of Plaintiff.

3 Michael Silander appeared on behalf of Defendant.

4 **III. Pleading Amendment Deadline**

5 Any requested pleading amendments are ordered to be filed, either through a stipulation or
6 motion to amend, no later than **June 24, 2016**.

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

8 The parties have exchanged the initial disclosures required by Fed. R. Civ. P. 26(a)(1).

9 The parties are ordered to complete all discovery pertaining to non-experts on or before
10 **December 12, 2016**, and all discovery pertaining to experts on or before **January 2, 2017**.

11 The parties are directed to disclose all expert witnesses, in writing, on or **November 21, 2016**,
12 and to disclose all rebuttal experts on or before **December 12, 2016**. The written designation of
13 retained and non-retained experts shall **be made pursuant to Fed. R. Civ. P. Rule 26(a)(2), (A), (B),**
14 **and (C) and shall include all information required thereunder**. Failure to designate experts in
15 compliance with this order may result in the Court excluding the testimony or other evidence offered
16 through such experts that are not disclosed pursuant to this order.

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

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

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

27 A mid-discovery status conference is scheduled for **August 15, 2016** at 8:30 a.m. before the
28 Honorable Jennifer L. Thurston, United States Magistrate Judge, at the United States District

1 Courthouse located at 510 19th Street, Bakersfield, California. A Joint Mid-Discovery Status
2 Conference Report, carefully prepared and executed by all counsel, shall be electronically filed in
3 CM/ECF, one full week prior to the Conference and shall be e-mailed, in Word format to,
4 JLTorders@caed.uscourts.gov. Counsel may appear by telephone via the CourtCall service, provided a
5 written request to so appear is made to the Magistrate Judge's Courtroom Clerk at least five court days
6 before the noticed hearing date.

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

8 All non-dispositive pre-trial motions, including any discovery motions, shall be filed no later
9 than **January 20, 2017**, and heard on or before **February 17, 2017**. Non-dispositive motions are heard
10 at 9:00 a.m. at the United States District Courthouse in Bakersfield, California, before the Honorable
11 Jennifer L. Thurston, United States Magistrate Judge.

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

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

24 Counsel may appear and argue non-dispositive motions by telephone, provided a written request
25 to so appear is made to the Magistrate Judge's Courtroom Clerk no later than five court days before the
26 noticed hearing date. In the event that more than one attorney requests to appear by telephone then it
27 shall be the obligation of the moving part(ies) to arrange and originate a conference call to the court.

28 All dispositive pre-trial motions shall be filed no later than **January 20, 2017**, and heard no

1 later than **March 3, 2017**, before the Honorable Jennifer L. Thurston, United States Magistrate Judge,
2 at the United States District Courthouse in Bakersfield, California. In scheduling such motions,
3 **counsel shall comply with Fed. R. Civ. P. 56 and Local Rules 230 and 260.**

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

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

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

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

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

22 **VII. Voluntary Dispute Resolution Program**

23 The parties indicate they wish the Court to refer them to the VDRP but they would like to
24 conduct some discovery before that occurs. Thus, when counsel agree the matter is in a settlement
25 posture, they may file a stipulation seeking a referral to the Court's VDRP. In the stipulation, they
26 **SHALL** indicate whether they wish the matter to be stayed pending the completion of the VDRP
27 process or whether they wish to continue the progress of the case simultaneously with the VDRP.
28 Counsel should keep in mind when timing their request for referral to the VDRP, that selection of the

1 neutral can take 30 to 60 days.

2 **VIII. Trial Date**

3 **March 28, 2017**, at 8:30 a.m. at the United States District Courthouse in Bakersfield,
4 California, before the Honorable Jennifer L. Thurston, United States Magistrate Judge.

5 A. This is a bench trial.

6 B. Counsels' Estimate of Trial Time: 2-3 days.

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

9 **IX. Settlement Conference**

10 If the parties desire a conference with the Court after completing the VDRP or in its stead, they
11 may file a joint written request for a settlement conference.

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

14 Not applicable at this time.

15 **XI. Related Matters Pending**

16 There are no pending related matters.

17 **XII. Compliance with Federal Procedure**

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

23 **XIII. Effect of this Order**

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

