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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSEPHINE HERNANDEZ,)	Case No.: 1:15-CV-01843- JLT
)	
Plaintiff,	)	SCHEDULING ORDER (Fed. R. Civ. P. 16)
)	
v.	)	Pleading Amendment Deadline: 4/14/2016
)	
THE GEO GROUP, INC., et al.,	)	Initial Disclosures: 2/26/2016
)	
Defendants.	)	Discovery Deadlines:
	)	Non-Expert: 10/31/2016
	)	Expert: 12/5/2016
	)	Mid-Discovery Status Conference:
	)	7/6/2016 at 8:30 a.m.
)	
	)	Non-Dispositive Motion Deadlines:
	)	Filing: 11/14/2016
	)	Hearing: 12/12/2016
)	
	)	Dispositive Motion Deadlines:
	)	Filing: 11/14/2016
	)	Hearing: 12/29/2016
)	
	)	Pre-Trial Conference:
	)	2/10/2017 at 10:00 a.m.
	)	510 19 th Street, Bakersfield, CA
)	
	)	Trial: 3/28/2017 at 8:30 a.m.
	)	510 19 th Street, Bakersfield, CA
	)	Jury trial: 10-15 days

1 **I. Date of Scheduling Conference**

2 January 22, 2016.

3 **II. Appearances of Counsel**

4 Allyson Thompson appeared on behalf of Plaintiff.

5 Carlos Jimenez appeared on behalf of Defendants.

6 **III. Claims against “Doe” Defendants**

7 Plaintiff’s claims against “Doe” and fictitiously-named defendants are hereby **DISMISSED**.

8 **IV. Pleading Amendment Deadline**

9 Any requested pleading amendments are ordered to be filed, either through a stipulation or
10 motion to amend, no later than **April 14, 2016**.

11 **V. Discovery Plan and Cut-Off Date**

12 The parties are ordered to exchange the initial disclosures required by Fed. R. Civ. P. 26(a)(1)
13 on or before **February 26, 2016**.

14 The parties are ordered to complete all discovery pertaining to non-experts on or before **October**
15 **31, 2016**, and all discovery pertaining to experts on or before **December 5, 2016**.

16 The parties are directed to disclose all expert witnesses, in writing, on or **November 7, 2016**,
17 and to disclose all rebuttal experts on or before **November 21, 2016**. The written designation of
18 retained and non-retained experts shall **be made pursuant to Fed. R. Civ. P. Rule 26(a)(2), (A), (B),**
19 **and (C) and shall include all information required thereunder**. Failure to designate experts in
20 compliance with this order may result in the Court excluding the testimony or other evidence offered
21 through such experts that are not disclosed pursuant to this order.

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

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

1 include striking the expert designation and preclusion of expert testimony.

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

4 A mid-discovery status conference is scheduled for **July 6, 2016** at 8:30 a.m. before the
5 Honorable Jennifer L. Thurston, United States Magistrate Judge, at the United States District
6 Courthouse located at 510 19th Street, Bakersfield, California. A Joint Mid-Discovery Status
7 Conference Report, carefully prepared and executed by all counsel, shall be electronically filed in
8 CM/ECF, one week prior to the Conference and shall be e-mailed, in Word format to,
9 JLTorders@caed.uscourts.gov. In the report, counsel SHALL detail the discovery conducted to date
10 and that which remains to be completed and whether there are any impediments to meeting the
11 deadlines in the case schedule. Counsel may appear via CourtCall.

12 **VI. Pre-Trial Motion Schedule**

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

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

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

1 Counsel may appear and argue non-dispositive motions by telephone, provided a written request
2 to so appear is made to the Magistrate Judge's Courtroom Clerk no later than five (5) court days before
3 the noticed hearing date. In the event that more than one attorney requests to appear by telephone then
4 it shall be the obligation of the moving part(ies) to arrange and originate a conference call to the court.

5 All dispositive pre-trial motions shall be filed no later than **November 14, 2016**, and heard no
6 later than **December 29, 2016**, before the Honorable Jennifer L. Thurston, United States Magistrate
7 Judge, at the United States District Courthouse in Bakersfield, California. In scheduling such motions,
8 **counsel shall comply with Fed. R. Civ. P. 56 and Local Rules 230 and 260.**

9 **VII. Motions for Summary Judgment or Summary Adjudication**

10 Neither the motion nor the opposition **SHALL** exceed 30 pages, exclusive of evidence and
11 evidentiary objections¹, unless the Court grants leave prior to the filing of the pertinent pleading;
12 requests for leave after the filing will be disregarded and all pages over 30 pages will not be considered.

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

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

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

27 _____
28 ¹ Objections to evidence for the non-moving party SHALL be filed with the opposition and for the moving party, they SHALL be filed with the reply.

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

4 **VIII. Pre-Trial Conference Date**

5 **February 10, 2017**, at 10:00 a.m. at the United States District Courthouse in Bakersfield,
6 California before the Honorable Jennifer L. Thurston, United States Magistrate Judge.

7 The parties are ordered to file a **Joint Pretrial Statement pursuant to Local Rule 281(a)(2).**
8 The parties are further directed to submit a digital copy of their pretrial statement in Word format,
9 directly to Judge Thurston's chambers, by email at JLTOrders@caed.uscourts.gov.

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

15 **IX. Trial Date**

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

- 18 A. This is a jury trial.
19 B. Counsels' Estimate of Trial Time: 10-15 days.
20 C. Counsels' attention is directed to Local Rules of Practice for the Eastern District of
21 California, Rule 285.

22 **X. Settlement Conference**

23 If the parties desire a conference with the Court, they may file a joint written request for a
24 settlement conference. Alternatively, the parties may file a joint written request for referral to the
25 Court's Voluntary Dispute Resolution Program.

26 **XI. Request for Bifurcation, Appointment of Special Master, or other Techniques to Shorten**
27 **Trial**

28 Not applicable at this time.

1 **XII. Related Matters Pending**

2 There are no pending related matters.

3 **XIII. Compliance with Federal Procedure**

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

9 **XIV. Effect of this Order**

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

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

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

21
22 IT IS SO ORDERED.

23 Dated: February 24, 2016

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE