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

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|--|---|--|
| WAYNE MOULE DBA NORTHWEST METROLOGY  | ) | Case No.: 1:16-cv-00102 JLT                  |
|  | ) |  |
| Plaintiff,   | ) | SCHEDULING ORDER (Fed. R. Civ. P. 16)        |
|  | ) |  |
| v.   | ) | Pleading Amendment Deadline: 7/1/2016        |
|  | ) |  |
| UNITED PARCEL SERVICE CO. WHICH WILL DO BUSINESS IN CALIFORNIA AS UNITED PARCEL SERVICE CO. (AIR), | ) | Discovery Deadlines:                         |
|  | ) | Initial Disclosures: 4/15/2016               |
|  | ) | Non-Expert: 9/26/2016                        |
| Defendant.   | ) | Expert: 9/26/2016                            |
|  | ) | Mid-Discovery Status Conference: 7/29/2016   |
| <hr/>  |   |  |
|  |   | Motions to Compel Arbitration:               |
|  |   | Filing date: 5/6/2016                        |
|  |   | Non-Dispositive Motion Deadlines:            |
|  |   | Filing: 10/14/2016                           |
|  |   | Hearing: 11/14/2016                          |
|  |   | Dispositive Motion Deadlines:                |
|  |   | Filing: 11/21/2016                           |
|  |   | Hearing: 12/19/2016                          |
|  |   | Pre-Trial Conference:                        |
|  |   | 1/23/2017 at 8:30 a.m.                       |
|  |   | 510 19 <sup>th</sup> Street, Bakersfield, CA |
|  |   | Trial: 2/28/2017 at 8:30 a.m.                |
|  |   | 510 19 <sup>th</sup> Street, Bakersfield, CA |
|  |   | Jury trial: 2 days                           |

1 **I. Pleading Amendment Deadline**

2 Any requested pleading amendments are ordered to be filed, either through a stipulation or  
3 motion to amend, no later than **July 1, 2016**.

4 **II. Discovery Plan and Cut-Off Date**

5 The parties are ordered to exchange the initial disclosures required by Fed. R. Civ. P. 26(a)(1)  
6 on or before **April 15, 2016**.

7 The parties are ordered to complete all discovery pertaining to non-experts and experts on or  
8 before **September 26, 2016**.

9 The parties are directed to disclose all expert witnesses on or before **August 1, 2016**. Plaintiff  
10 shall disclose any rebuttal experts no later than **August 29, 2016**. The designations of retained and  
11 non-retained experts must be in writing, and shall **be made pursuant to Fed. R. Civ. P. Rule 26(a)(2),**  
12 **(A), (B), and (C) and shall include all information required thereunder**. Failure to designate  
13 experts in compliance with this order may result in the Court excluding the testimony or other evidence  
14 offered through such experts that are not disclosed pursuant to this order.

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

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

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

25 A mid-discovery status conference is scheduled for **July 29, 2016** at 9:00 a.m. before the  
26 Honorable Jennifer L. Thurston, United States Magistrate Judge, at the United States District  
27 Courthouse located at 510 19th Street, Bakersfield, California. Counsel SHALL file a joint mid-  
28 discovery status conference report one week before the conference and SHALL e-mail it, in Word

1 format to, JLTorders@caed.uscourts.gov. The report SHALL detail the discovery completed and that  
2 which remains to be completed and discuss any impediments to completing discovery within the  
3 deadlines set. Counsel may appear by telephone via the CourtCall service.

4 **III. Pre-Trial Motion Schedule**

5 **A. Motions to compel arbitration**

6 Any motion to compel arbitration **SHALL** be filed no later than **May 6, 2016**.

7 **B. Discovery motions and other non-dispositive motions**

8 All non-dispositive pre-trial motions, including any discovery motions, and all dispositive  
9 motions shall be filed no later than **October 14, 2016**, and heard on or before **November 14, 2016**.

10 No written discovery motions shall be filed without the prior approval of the assigned  
11 Magistrate Judge. A party with a discovery dispute must first confer with the opposing party in a good  
12 faith effort to resolve by agreement the issues in dispute. If that good faith effort is unsuccessful, the  
13 moving party promptly shall seek a telephonic hearing with all involved parties and the Magistrate  
14 Judge. It shall be the obligation of the moving party to arrange and originate the conference call to the  
15 court. To schedule this telephonic hearing, the parties are ordered to contact Courtroom Deputy Clerk,  
16 Susan Hall at (661) 326-6620 or via email at SHall@caed.uscourts.gov. **Counsel must comply with**  
17 **Local Rule 251 with respect to discovery disputes or the motion will be denied without prejudice**  
18 **and dropped from 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 All dispositive pre-trial motions shall be filed no later than **November 21, 2016**, and heard on  
23 or before **December 19, 2016**. In scheduling such motions, **counsel shall comply with Fed. R. Civ. P.**  
24 **56 and Local Rules 230 and 260.** Counsel may appear by telephone via the CourtCall service.

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

26 In scheduling dispositive motions, **counsel shall comply with Fed. R. Civ. P. 56 and Local**  
27 **Rules 230 and 260.**

28 **At least 21 days before** filing a motion for summary judgment or motion for summary

1 adjudication, the parties are **ORDERED** to meet, in person or by telephone, to confer about the issues  
2 to be raised in the motion.

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

8 The moving party shall initiate the meeting and **SHALL** provide a complete, proposed  
9 statement of undisputed facts **at least seven days before** the conference. The finalized joint  
10 statement of undisputed facts **SHALL** include all facts that the parties agree, for purposes of the  
11 motion, may be deemed true. **In addition to the requirements of Local Rule 260, the moving**  
12 **party shall file the joint statement of undisputed facts.**

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

16 **IV. Pre-Trial Conference Date**

17 **January 23, 2017**, at 8:30 a.m. at the United States District Courthouse in Bakersfield,  
18 California before the Honorable Jennifer L. Thurston, United States Magistrate Judge.

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

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

27 **V. Trial Date**

28 **February 28, 2017**, at 8:30 a.m. at the United States District Courthouse in Bakersfield,

1 California, before the Honorable Jennifer L. Thurston, United States Magistrate Judge.

2 A. This is a Jury trial.

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

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

6 **VI. Settlement Conference**

7 The parties may file a joint request that the Court set a settlement conference if they agree the  
8 case is in a settlement posture. In the request, they should propose dates for the conference.

9 **VII. Request for Bifurcation, Appointment of Special Master, or other Techniques to Shorten**  
10 **Trial**

11 Not applicable at this time.

12 **VIII. Related Matters Pending**

13 There are no pending related matters.

14 **IX. Compliance with Federal Procedure**

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

20 **X. Effect of this Order**

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

26 **The dates set in this Order are considered to be firm and will not be modified absent a**  
27 **showing of good cause even if the request to modify is made by stipulation.** Stipulations  
28 **extending the deadlines contained herein will not be considered unless they are accompanied by**

1 **affidavits or declarations, and where appropriate attached exhibits, which establish good cause**  
2 **for granting the relief requested.**

3 Failure to comply with this order may result in the imposition of sanctions.  
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5 IT IS SO ORDERED.

6 Dated: March 31, 2016

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE

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