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

J & J SPORTS PRODUCTIONS, INC.,	)	1: 16-CV-0477-AWI - JLT
	)	
Plaintiff,	)	SCHEDULING ORDER (Fed. R. Civ. P. 16)
	)	
v.	)	Pleading Amendment Deadline: 11/1/2016
	)	
PETRICE M. MARINI, et al.,	)	Discovery Deadlines:
	)	Initial Disclosures: 8/19/2016
Defendants.	)	Non-Expert: 2/15/2017
	)	Expert: 2/15/2017
<hr/>		Mid-Discovery Status Conference: 11/29/2016 at 8:30 a.m.
		Non-Dispositive Motion Deadlines: Filing: 3/31/2017 Hearing: 4/28/2017
		Dispositive Motion Deadlines: Filing: 5/8/2017 Hearing: 6/19/2017
		Pre-Trial Conference: 8/9/2017 at 10:00 a.m. Courtroom 2
		Trial: 10/3/2017 at 8:30 a.m. Courtroom 2 Court trial: 2-3 days

**I. Date of Scheduling Conference**

August 5, 2016.

1 **II. Appearances of Counsel**

2 Andrew Briseno appeared on behalf of Plaintiff.

3 Defendants appeared pro se.

4 **III. Information Concerning the Court's Schedule**

5 Out of fairness, the Court believes it is necessary to forewarn litigants that the Fresno Division  
6 of the Eastern District of California now has the heaviest District Court Judge caseload in the entire  
7 nation. While the Court will use its best efforts to resolve this case and all other civil cases in a timely  
8 manner, the parties are admonished that not all of the parties' needs and expectations may be met as  
9 expeditiously as desired. As multiple trials are now being set to begin upon the same date, parties may  
10 find their case trailing with little notice before the trial begins. The law requires that the Court give any  
11 criminal trial priority over civil trials or any other matter. The Court must proceed with a criminal trial  
12 even if a civil trial was filed earlier and set for trial first. Continuances of any civil trial under these  
13 circumstances will no longer be entertained, absent a specific and stated finding of good cause. All  
14 parties should be informed that any civil trial set to begin during the time a criminal trial is proceeding  
15 will trail the completion of the criminal trial.

16 The parties are reminded of the availability of a United States Magistrate Judge to conduct all  
17 proceedings in this action. A United States Magistrate Judge is available to conduct trials, including  
18 entry of final judgment, pursuant to 28 U.S.C. § 636(c), Federal Rule of Civil Procedure 73, and Local  
19 Rule 305. The same jury pool is used by both United States Magistrate Judges and United States  
20 District Court Judges. Any appeal from a judgment entered by a United States Magistrate Judge is  
21 taken directly to the United States Court of Appeal for the Ninth Circuit. However, the parties are  
22 hereby informed that no substantive rulings or decisions will be affected by whether a party chooses to  
23 consent.

24 Finally, the Fresno Division of the Eastern District of California, whenever possible, is utilizing  
25 United States Article III District Court Judges from throughout the nation as Visiting Judges. Pursuant  
26 to the Local Rules, Appendix A, reassignments will be random, and the parties will receive no advance  
27 notice before their case is reassigned to an Article III District Court Judge from outside of the Eastern  
28 District of California.

1 Defendants have indicated their consent to the jurisdiction of the assigned magistrate judge.  
2 Plaintiff is directed to consider consenting to Magistrate Judge jurisdiction to conduct all further  
3 proceedings, including trial. **Within 10 days** of the date of this order, counsel **SHALL** file a  
4 consent/decline form (provided by the Court at the inception of this case) indicating whether Plaintiff  
5 will consent to the jurisdiction of the Magistrate Judge.

6 **IV. 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 **November 1, 2016**.

9 **V. 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 **August 19, 2016**.

12 The parties are ordered to complete all discovery, pertaining to experts and non-experts, on or  
13 before **February 15, 2017**.

14 The parties are directed to disclose all expert witnesses, in writing, on or before **January 9,**  
15 **2017**, and to disclose all rebuttal experts on or before **January 30, 2017**. The written designation of  
16 retained and non-retained experts shall **be made pursuant to Fed. R. Civ. P. Rule 26(a)(2), (A), (B),**  
17 **and (C) and shall include all information required thereunder**. Failure to designate experts in  
18 compliance with this order may result in the Court excluding the testimony or other evidence offered  
19 through such experts that are not disclosed pursuant to this order.

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

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

26 A mid-discovery status conference is scheduled for **November 29, 2016** at 9:00 a.m. before the  
27 Honorable Jennifer L. Thurston, U.S. Magistrate Judge, located at 510 19th Street, Bakersfield,  
28 California. Counsel SHALL file a joint mid-discovery status conference report one week before the

1 conference. Counsel also SHALL lodge the status report via e-mail to JLTorders@caed.uscourts.gov.  
2 The joint statement SHALL outline the discovery counsel have completed and that which needs to be  
3 completed as well as any impediments to completing the discovery within the deadlines set forth in this  
4 order. Counsel may appear via CourtCall, providing a written notice of the intent to appear  
5 telephonically is provided to the Magistrate Judge's Courtroom Deputy Clerk no later than five court  
6 days before the noticed hearing date.

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

8 All non-dispositive pre-trial motions, including any discovery motions, shall be filed no later  
9 than **March 31, 2017**, and heard on or before **April 28, 2017**. Non-dispositive motions are heard at  
10 9:00 a.m., before the Honorable Jennifer L. Thurston, United States Magistrate Judge, at the United  
11 States District Courthouse located at 510 19<sup>th</sup> Street, Bakersfield, California.

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

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

26 All dispositive pre-trial motions shall be filed no later than **May 8, 2017**, and heard no later than  
27 **June 19, 2017**, in Courtroom 2 at 8:30 a.m. before the Honorable Anthony W. Ishii, United States  
28 District Court Judge. In scheduling such motions, **counsel shall comply with Fed. R. Civ. P. 56 and**

1 **Local Rules 230 and 260.**

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

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

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

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

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

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

20 **August 9, 2017**, at 10:00 a.m. in Courtroom 2 before Judge Ishii.

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

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

1 **IX. Trial Date**

2 **October 3, 2017**, at 8:30 a.m. in Courtroom 2 before the Honorable Anthony W. Ishii, United  
3 States District Court Judge.

4 A. This is a court trial.

5 B. Parties' Estimate of Trial Time: 2-3 days.

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

8 **X. Settlement Conference**

9 The Court does not set a settlement conference at this time. However, if the parties agree in the  
10 future that the matter would benefit from a settlement conference, they may file a stipulation requesting  
11 the Court to schedule one. If there is a settlement conference, it will be conducted by Magistrate Judge  
12 Thurston unless the stipulation requests the conference be conducted by a judicial officer who is not  
13 assigned to this matter.

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

16 Not applicable at this time.

17 **XII. Related Matters Pending**

18 There are no pending related matters.

19 **XIII. Compliance with Federal Procedure**

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

25 **XIV. Effect of this Order**

26 The foregoing order represents the best estimate of the court and counsel as to the agenda most  
27 suitable to dispose of this case. The trial date reserved is specifically reserved for this case. If the parties  
28 determine at any time that the schedule outlined in this order cannot be met, counsel are ordered to notify

1 the court immediately of that fact so that adjustments may be made, either by stipulation or by  
2 subsequent status conference.

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

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

9  
10 IT IS SO ORDERED.

11 Dated: August 5, 2016

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE