



1 **II. Appearances of Counsel**

2 Jina Kim and Liza Cristol-Deman appeared on behalf of the plaintiff.

3 James Peel appeared on behalf of the defendants.

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 **January 20, 2017**.

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

8 The parties are ordered to exchange the initial disclosures required by Fed. R. Civ. P.  
9 26(a)(1) on or before **September 30, 2016**.

10 The parties are ordered to complete all discovery pertaining to non-experts and experts on  
11 or before **June 5, 2017**.

12 The parties are directed to disclose all expert witnesses, in writing, on or before **April 3,**  
13 **2017**, and to disclose all rebuttal experts on or before **May 1, 2017**. The written designation of  
14 retained and non-retained experts **shall be made pursuant to Fed. R. Civ. P. Rule 26(a)(2), (A),**  
15 **(B), and (C) and shall include all information required thereunder.** Failure to designate  
16 experts in compliance with this order may result in the Court excluding the testimony or other  
17 evidence offered through such experts that are not disclosed pursuant to this order.

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

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

24 A mid-discovery status conference is scheduled for **March 17, 2017** at 8:30 a.m. before the  
25 Honorable Jennifer L. Thurston, U.S. Magistrate Judge, located at 510 19th Street, Bakersfield,  
26 California. Counsel SHALL file a joint mid-discovery status conference report one week before  
27 the conference. Counsel also SHALL lodge the status report via e-mail to  
28 JLTorders@caed.uscourts.gov. The joint statement SHALL outline the discovery counsel have

1 completed and that which needs to be completed as well as any impediments to completing the  
2 discovery within the deadlines set forth in this order. Counsel may appear via CourtCall,  
3 providing a written notice of the intent to appear telephonically is provided to the Magistrate  
4 Judge's Courtroom Deputy Clerk no later than five court days before the noticed hearing date.

5 **V. Non-dispositive Motion Deadline**

6 Any non-dispositive motions **SHALL** be filed no later than **June 19, 2017**, and heard no  
7 later than **July 17, 2017**.

8 **No motion to amend or stipulation to amend the case schedule will be entertained**  
9 **unless it is filed at least one week before the first deadline the parties wish to extend.**

10 Likewise, 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  
12 good faith effort to resolve by agreement the issues in dispute. If that good faith effort is  
13 unsuccessful, the moving party promptly shall seek a telephonic hearing with all involved parties  
14 and the Magistrate Judge. It shall be the obligation of the moving party to arrange and originate  
15 the conference call to the court. To schedule this telephonic hearing, the parties are ordered to  
16 contact the Courtroom Deputy Clerk, Susan Hall, at (661) 326-6620 or via email at  
17 SHall@caed.uscourts.gov. **Counsel must comply with Local Rule 251 with respect to**  
18 **discovery disputes or the motion will be denied without prejudice and dropped from the**  
19 **Court's calendar.**

20 In scheduling such motions, the Court may grant applications for an order shortening time  
21 pursuant to Local Rule 144(e). However, if counsel does not obtain an order shortening time, the  
22 notice of motion *must* comply with Local Rule 251. Counsel may appear and argue non-  
23 dispositive motions via CourtCall.

24 **VI. Dispositive Motion Deadlines**

25 Dispositive motions **SHALL** be filed no later than **July 31, 2017**, and heard no later than  
26 **August 14, 2017**. Neither the motion nor the opposition **SHALL** exceed 30 pages, exclusive of  
27 evidence and evidentiary objections, unless the Court grants leave *prior* to the filing of the  
28 pertinent pleading; requests for leave after the filing will be disregarded and all pages over 30

1 pages will not be considered.

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

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

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

11 **September 18, 2017** at 8:30 a.m. The parties are ordered to file a Joint Pretrial Statement  
12 pursuant to Local Rule 281(a)(2). The parties are further directed to submit a digital copy of their  
13 pretrial statement in Word format, directly to Judge Thurston's chambers, by email at  
14 JLTorders@caed.uscourts.gov.

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

20 **VIII. Trial Date**

21 **October 23, 2017** at 8:30 a.m. before Magistrate Judge Thurston at the United States  
22 Courthouse, located at 51019<sup>th</sup> Street, Bakersfield, CA.

23 A. This is a jury trial.

24 B. Counsels' Estimate of Trial Time: 4-5 days.

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

27 **IX. Settlement Conference**

28 The parties may request a settlement conference, via a stipulation setting forth proposed

1 dates, in the event they believe a conference may be fruitful. The stipulation should propose dates  
2 for the conference and should be filed at least 60 days before the proposed date.

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

5 The parties agree that the amount punitive damages, if any, may be bifurcated. They may raise  
6 other issues regarding trial phasing or bifurcation in their joint pre-trial statement.

7 **XI. Related Matters Pending**

8 There are no pending related matters.

9 **XII. Compliance with Federal Procedure**

10 All counsel are expected to familiarize themselves with the Federal Rules of Civil  
11 Procedure and the Local Rules of Practice of the Eastern District of California, and to keep abreast  
12 of any amendments thereto. The Court must insist upon compliance with these Rules if it is to  
13 efficiently handle its increasing caseload, and sanctions will be imposed for failure to follow both  
14 the Federal Rules of Civil Procedure and the Local Rules of Practice for the Eastern District of  
15 California.

16 **XIII. Effect of this Order**

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

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