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

VICKI YOUNG,
Plaintiff,
v.
SUN LIFE AND HEALTH INSURANCE
COMPANY,
Defendant.

Case No.: 1:15-cv-00822 LJO JLT

FURTHER SCHEDULING ORDER

Discovery Deadline: 4/14/2017

Non-Dispositive Motion Deadlines:

Filing: 4/21/2017

Hearing: 5/19/2017

Merits Briefs:

Briefs: 8/1/2017

Responsive Briefs: 8/29/2017

Trial: 9/26/2017, Ctrm 4

I. Date of Scheduling Conference

November 28, 2016.

II. Appearances of Counsel

Lisa Kantor appeared on behalf of Plaintiff.

Martin Rosen and Adam Rucker appeared on behalf of Defendant.

III. Magistrate Judge Consent: Notice of Congested Docket and Court Policy of Trailing

Due to the District Judges' heavy caseload, the newly adopted policy of the Fresno Division of the Eastern District is to trail all civil cases. The parties are hereby notified that for a trial date set

1 before a District Judge, the parties will trail indefinitely behind any higher priority criminal or older
2 civil case set on the same date until a courtroom becomes available. The trial date will not be reset to a
3 continued date.

4 The Magistrate Judges' availability is far more realistic and accommodating to parties than that
5 of the U.S. District Judges who carry the heaviest caseloads in the nation and who must prioritize
6 criminal and older civil cases over more recently filed civil cases. A United States Magistrate Judge
7 may conduct trials, including entry of final judgment, pursuant to 28 U.S.C. § 636(c), Federal Rule of
8 Civil Procedure 73, and Local Rule 305. Any appeal from a judgment entered by a United States
9 Magistrate Judge is taken directly to the United States Court of Appeal for the Ninth Circuit.

10 The Fresno Division of the Eastern District of California, whenever possible, is utilizing United
11 States Article III District Court Judges from throughout the nation as Visiting Judges. Pursuant to the
12 Local Rules, Appendix A, such reassignments will be random, and the parties will receive no advance
13 notice before their case is reassigned to an Article III District Court Judge from outside of the Eastern
14 District of California.

15 Therefore, the parties are directed to consider consenting to Magistrate Judge jurisdiction to
16 conduct all further proceedings, including trial. **Within 10 days** of the date of this order, counsel
17 **SHALL** file a consent/decline form (provided by the Court at the inception of this case) indicating
18 whether they will consent to the jurisdiction of the Magistrate Judge.

19 **IV. Discovery**

20 The parties disagree as to the extent of discovery allowed. Without deciding this issue, the
21 parties are ordered to complete all discovery on or before **April 14, 2017**.

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

23 **A. Non-dispositive motions**

24 All non-dispositive pre-trial motions, including any motions to augment the record, shall be
25 filed no later than **April 21, 2017**, and heard on or before **May 19, 2017**. Non-dispositive motions are
26 heard before the Honorable Jennifer L. Thurston, United States Magistrate Judge at the United States
27 Courthouse in Bakersfield, California.

28 No written motions shall be filed without the prior approval of the assigned Magistrate Judge.

1 A party with a discovery dispute must first confer with the opposing party in a good faith effort to
2 resolve by agreement the issues in dispute. If that good faith effort is unsuccessful, the moving party
3 promptly shall seek a telephonic hearing with all involved parties and the Magistrate Judge. It shall be
4 the obligation of the moving party to arrange and originate the conference call to the court. To
5 schedule this telephonic hearing, the parties are ordered to contact Courtroom Deputy Clerk, Susan
6 Hall at (661) 326-6620 or via email at SHall@caed.uscourts.gov. **Counsel must comply with Local
7 Rule 251 with respect to discovery disputes or the motion will be denied without prejudice and
8 dropped from calendar.**

9 In scheduling such motions, the Magistrate Judge may grant applications for an order
10 shortening time pursuant to Local Rule 144(e). However, if counsel does not obtain an order
11 shortening time, the notice of motion must comply with Local Rule 251. Counsel may appear and
12 argue non-dispositive motions via CourtCall.

13 **VI. Merits briefing**

14 The parties **SHALL** file their briefs on the merits simultaneously no later than **August 1, 2017**
15 and may file a responsive brief no later than **August 29, 2017**.

16 **VII. Trial**

17 **September 26, 2017** at 8:30 a.m. in Courtroom 4 before the Honorable Lawrence J. O'Neill,
18 United States District Court Judge.

19 A. This is oral argument on the merits briefs only.

20 B. Counsels' attention is directed to Local Rules of Practice for the Eastern District of
21 California, Rule 285.

22 **VIII. Compliance with Federal Procedure**

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

1 **IX. Effect of this Order**

2 This order represents the best estimate of the court and counsel as to the schedule most suitable
3 to dispose of this case. If the parties determine that the schedule outlined in this order cannot be met,
4 they must notify the court immediately so that adjustments may be made, either by stipulation or by
5 subsequent status conference.

6 The dates set in this Order are firm and will not be modified absent a showing of good cause
7 even if the request to modify is made by stipulation. Stipulations extending the deadlines contained
8 herein will not be considered unless they are accompanied by evidence establishing good cause for
9 granting the relief requested. Failure to comply with this order may result in the imposition of
10 sanctions.

11
12 IT IS SO ORDERED.

13 Dated: November 28, 2016

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE