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7	UNITED ST	TATES DISTRICT COURT
8	EASTERN	DISTRICT OF CALIFORNIA
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10	BUDDY WRIGHT,) 1: 16-CV-01214 LJO JLT)
11	Plaintiff,) SCHEDULING ORDER (Fed. R. Civ. P. 16)
12	V.	Pleading Amendment Deadline: 5/1/2017
13	TEHACHAPI UNIFIED SCHOOL DISTRICT, et al.,)) Administrative Record Deadlines:
14	Defendants.	 Filing: 3/31/2017 Objections to record: 4/14/2017
15)
16) Merits Briefing: Opening Brief: 4/28/2017
17		Defendant's response: 5/26/2017 Reply brief: 6/16/2017
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20	I. <u>Date of Scheduling Conference</u>	
21	March 22, 2017.	
22	II. <u>Appearances of Counsel</u>	
23	Andrea Marcus appeared on beh	alf of Plaintiffs.
24	Kyle Holmes appeared on behalf	f of Defendant.
25	III. <u>Magistrate Judge Consent:</u>	
26	Notice of Congested Docket an	d Court Policy of Trailing
27	Due to the District Judges' heavy	y caseload, the newly adopted policy of the Fresno Division of
28	the Eastern District is to trail all civil ca	ses. The parties are hereby notified that for a trial date set

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

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

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

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

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Pleading Amendment Deadline

Any requested pleading amendments are ordered to be filed, either through a stipulation or motion to amend, no later than **May 1, 2017**.

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Administrative Record

Plaintiff SHALL lodge a searchable electronic copy of the administrative record no later than
March 31, 2017. Plaintiff SHALL also provide a courtesy paper to the chambers of Judge O'Neill at
the time of the filing of the opening brief. Objections to the record SHALL be filed no later than April
14, 2017.

If there is a dispute over the contents of the administrative record, the objecting party **SHALL** confer with the opposing party in a good faith effort to resolve the issues in dispute. If that good faith

1	effort is unsuccessful, the objecting party SHALL promptly seek a telephonic hearing with all involved		
2	parties and the Magistrate Judge. It is the obligation of the objecting party to arrange and originate the		
3	conference call to the Court. To schedule this telephonic hearing, the parties are ordered to contact		
4	Courtroom Deputy Clerk, Susan Hall at (661) 326-6620 or via email at SHall@caed.uscourts.gov.		
5	VI.	Merits briefing	
6		Plaintiff's brief related to fees SHALL be filed no later than April 28, 2017, and Defendant's	
7	opposing brief SHALL be filed no later than May 26, 2017. Plaintiff's reply, if any, SHALL be filed		
8	no later than June 16, 2017.		
9	VII.	Hearing	
10		The hearing SHALL be set before the Honorable Lawrence J. O'Neill, United States District	
11	Court Judge, in Courtroom 4.		
12		A. This is a Court trial.	
13		B. Counsels' Estimate of Trial Time: 1 day.	
14		C. Counsels' attention is directed to Local Rules of Practice for the Eastern District of	
15	California, Rule 285.		
16	VIII. <u>Compliance with Federal Procedure</u>		
17		All counsel are expected to familiarize themselves with the Federal Rules of Civil Procedure	
18	and the Local Rules of Practice of the Eastern District of California, and to keep abreast of any		
19	amendments thereto. The Court must insist upon compliance with these Rules if it is to efficiently		
20	handle its increasing case load and sanctions will be imposed for failure to follow the Rules as provided		
21	in both the Federal Rules of Civil Procedure and the Local Rules of Practice for the Eastern District of		
22	California.		
23	IX.	Effect of this Order	
24		The foregoing order represents the best estimate of the court and counsel as to the agenda most	
25	suitable to dispose of this case. The trial date reserved is specifically reserved for this case. If the		
26	parties determine at any time that the schedule outlined in this order cannot be met, counsel are ordered		
27	to notify the court immediately of that fact so that adjustments may be made, either by stipulation or by		
28	subsequent status conference.		

1	The dates set in this Order are considered to be firm and will not be modified absent a		
2	showing of good cause even if the request to modify is made by stipulation. Stipulations		
3	extending the deadlines contained herein will not be considered unless they are accompanied by		
4	affidavits or declarations, and where appropriate attached exhibits, which establish good cause		
5	for granting the relief requested.		
6	Failure to comply with this order may result in the imposition of sanctions.		
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8	IT IS SO ORDERED.		
9	Dated: March 23, 2017 /s/ Jennifer L. Thurston		
10	UNITED STATES MAGISTRATE JUDGE		
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