

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. Pleading Amendment Deadline**

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

22 **V. Administrative Record**

23 Plaintiff **SHALL** lodge a searchable electronic copy of the administrative record no later than
24 **March 31, 2017**. Plaintiff **SHALL** also provide a courtesy paper to the chambers of Judge O'Neill at
25 the time of the filing of the opening brief. Objections to the record **SHALL** be filed no later than **April**
26 **14, 2017**.

27 If there is a dispute over the contents of the administrative record, the objecting party **SHALL**
28 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. Counsel's Estimate of Trial Time: 1 day.

14 C. Counsel's attention is directed to Local Rules of Practice for the Eastern District of
15 California, Rule 285.

16 **VIII. Compliance with Federal Procedure**

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.

