

1 **II. Appearances of Counsel**

2 Allyson Thompson appeared on behalf of Plaintiff.

3 Natalie Jansen appeared on behalf of Defendants.

4 **III. Magistrate Judge Consent**

5 The parties indicated their willingness to consent to the jurisdiction of the Magistrate Judge on
6 the record during the Scheduling Conference.

7 **IV. Pleading Amendment Deadline**

8 Any requested pleading amendments are ordered to be filed, either through a stipulation or
9 motion to amend, no later than **April 10, 2017**.

10 **V. Discovery Plan and Cut-Off Date**

11 The parties are ordered to exchange the initial disclosures required by Fed. R. Civ. P. 26(a)(1)
12 on or before **January 31, 2017**.

13 The parties are ordered to complete all discovery pertaining to non-experts on or before
14 **November 13, 2017** and all discovery pertaining to experts on or before **January 19, 2018**.

15 The parties are directed to disclose all expert witnesses¹, in writing, on or before **November 30,**
16 **2017**, and to disclose all rebuttal experts on or before **December 21, 2017**. The written designation of
17 retained and non-retained experts shall **be made pursuant to Fed. R. Civ. P. Rule 26(a)(2), (A), (B),**
18 **and (C) and shall include all information required thereunder**. Failure to designate experts in
19 compliance with this order may result in the Court excluding the testimony or other evidence offered
20 through such experts that are not disclosed pursuant to this order.

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

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

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28 ¹ In the event an expert will offer opinions related to an independent medical or mental health
evaluation, the examination SHALL occur sufficiently in advance of the disclosure deadline so the expert's
report fully details the expert's opinions in this regard.

1 A mid-discovery status conference is scheduled for **July 3, 2017** at 8:30 a.m. before the
2 Honorable Jennifer L. Thurston, U.S. Magistrate Judge, located at 510 19th Street, Bakersfield,
3 California. Counsel SHALL file a joint mid-discovery status conference report one week before the
4 conference. Counsel also SHALL lodge the status report via e-mail to JLTorders@caed.uscourts.gov.
5 The joint statement SHALL outline the discovery counsel have completed and that which needs to be
6 completed as well as any impediments to completing the discovery within the deadlines set forth in this
7 order. Counsel may appear via CourtCall.

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

9 All non-dispositive pre-trial motions, including any discovery motions, shall be filed no later
10 than **February 9, 2018**, and heard on or before **March 9, 2018**. Non-dispositive motions are heard
11 before the Honorable Jennifer L. Thurston, United States Magistrate Judge at the United States
12 Courthouse in Bakersfield, California.

13 **No motion to amend or stipulation to amend the case schedule will be entertained unless it**
14 **is filed at least one week before the first deadline the parties wish to extend.** Likewise, no written
15 discovery motions shall be filed without the prior approval of the assigned Magistrate Judge. A party
16 with a discovery dispute must first confer with the opposing party in a good faith effort to resolve by
17 agreement the issues in dispute. If that good faith effort is unsuccessful, the moving party promptly
18 shall seek a telephonic hearing with all involved parties and the Magistrate Judge. It shall be the
19 obligation of the moving party to arrange and originate the conference call to the court. To schedule
20 this telephonic hearing, the parties are ordered to contact the Courtroom Deputy Clerk, Susan Hall, at
21 (661) 326-6620 or via email at SHall@caed.uscourts.gov. **Counsel must comply with Local Rule 251**
22 **with respect to discovery disputes or the motion will be denied without prejudice and dropped**
23 **from the Court's calendar.**

24 All dispositive pre-trial motions shall be filed no later than **February 9, 2018**, and heard no
25 later than **March 9, 2018**, before the Honorable Jennifer L. Thurston, United States Magistrate Judge,
26 at the United States District Courthouse in Bakersfield, California. In scheduling such motions,
27 **counsel shall comply with Fed. R. Civ. P. 56 and Local Rules 230 and 260.**

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

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

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

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

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

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

19 **April 17, 2018** at 8:30 a.m. at the United States District Courthouse in Bakersfield, California.

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

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

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1 **IX. Trial Date**

2 **June 11, 2018** at 8:30 a.m, located at the United States District Courthouse in Bakersfield,
3 California, before the Honorable Jennifer L. Thurston, United States Magistrate Judge.

4 A. This is a jury trial.

5 B. Counsels' Estimate of Trial Time: 6-8 days.

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

8 **X. Settlement Conference**

9 If the parties believe the matter is in a settlement posture and a settlement conference would be
10 fruitful, they may file a joint written request for a conference with the Court.

11 **XI. Request for Bifurcation, Appointment of Special Master, or other**

12 **Techniques to Shorten Trial**

13 Not applicable at this time.

14 **XII. Related Matters Pending**

15 There are no pending related matters.

16 **XIII. 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 **XIV. 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.

