



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 **June 30, 2017**.

22 **V. Administrative Record**

23 Plaintiff **SHALL** lodge a searchable electronic copy of the administrative record no later than  
24 **April 27, 2017**. Plaintiff **SHALL** also provide a courtesy paper copy to Judge O'Neill's chambers at  
25 the time of the filing of the opening brief. Any objections to the record **SHALL** be filed no later than  
26 **May 15, 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 and Hearing**

6 Plaintiff's opening brief SHALL be filed no later than **May 19, 2017**, and Defendant's  
7 opposition brief SHALL be filed no later than **June 16, 2017**<sup>1</sup>. Plaintiff's reply, if any, SHALL be filed  
8 no later than **July 7, 2017**.

9 The hearing SHALL be set before the Honorable Lawrence J. O'Neill, United States District  
10 Court Judge, in Courtroom 4, no later than **August 4, 2017**.

11 **VII. Further Scheduling Conference**

12 A further scheduling conference is SET for **September 18, 2017** at 9:00 a.m. The parties  
13 SHALL file a joint status report seven days prior to the hearing.

14 **VIII. Compliance with Federal Procedure**

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

20 **IX. Effect of this Order**

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

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27  
28 <sup>1</sup> The Court was informed of the busy trial schedule on counsel for the defendant. If the trial, discussed at the  
scheduling conference, proceeds on June 12, 2017, and counsel will be unable to proper the opposing brief, counsel  
may stipulate to amend the briefing schedule.

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 extending**  
3 **the deadlines contained herein will not be considered unless they are accompanied by affidavits**  
4 **or declarations, and where appropriate attached exhibits, which establish good cause for granting**  
5 **the relief requested.**

6           Failure to comply with this order may result in the imposition of sanctions.

7  
8 IT IS SO ORDERED.

9           Dated: March 23, 2017

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE