

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

TEHACHAPI UNIFIED SCHOOL)
DISTRICT,)
)
Plaintiff,)
)
)
v.)
)
K.M., et al.,)
)
Defendants.)

1: 16-CV-01942 - DAD - JLT
SCHEDULING ORDER (Fed. R. Civ. P. 16)
Pleading Amendment Deadline: 6/30/2017
Administrative Record Deadline
Filing: 6/9/2017
Objections to the record: 6/23/2017
Merits Briefing:
Opening Brief: 7/21/2017
Defendant's response: 8/18/2017
Reply brief: 9/8/2017
Hearing deadline: 10/17/2017

Further Scheduling Conference:
12/4/2017 at 9:15 a.m.

I. Date of Scheduling Conference

May 10, 2017.

II. Appearances of Counsel

Darren Bogie appeared on behalf of Plaintiff.
Lyndsey Gallagher appeared on behalf of Defendants.

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. A 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**. Any motion to amend the pleadings shall be heard by
22 the Honorable Dale A. Drozd, United States District Court Judge.

23 **V. Administrative Record**

24 Plaintiff **SHALL** lodge a searchable electronic copy of the administrative record no later than
25 **June 9, 2017**. Plaintiff **SHALL** also provide a courtesy paper copy to Judge Drozd's chambers at the
26 time of the filing of the opening brief. Any objections to the record **SHALL** be filed no later than
27 **June 23, 2017**.

28 If there is a dispute over the contents of the administrative record, the objecting party **SHALL**

1 confer with the opposing party in a good faith effort to resolve the issues in dispute. If that good faith
2 effort is unsuccessful, the objecting party **SHALL** promptly seek a telephonic hearing with all involved
3 parties and the Magistrate Judge. It is the obligation of the objecting party to arrange and originate the
4 conference call to the Court. To schedule this telephonic hearing, the parties are ordered to contact
5 Courtroom Deputy Clerk, Susan Hall at (661) 326-6620 or via email at SHall@caed.uscourts.gov.

6 **VI. Merits Briefing and Hearing**

7 Plaintiff's opening brief **SHALL** be filed no later than **July 21, 2017**, and Defendant's
8 opposition brief **SHALL** be filed no later than **August 18, 2017**. Plaintiff's reply, if any, **SHALL** be
9 filed no later than **September 8, 2017**.

10 The hearing **SHALL** be set before the Honorable Dale A. Drozd, United States District Court
11 Judge, in Courtroom 5, no later than **October 17, 2017**.

12 **VII. Further Scheduling Conference**

13 A further scheduling conference is set on **December 4, 2017** at 9:15 a.m. The parties **SHALL**
14 file a joint status report seven days prior to the hearing.

15 **VIII. Compliance with Federal Procedure**

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

21 **IX. Effect of this Order**

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

27 **The dates set in this Order are considered to be firm and will not be modified absent a**
28 **showing of good cause even if the request to modify is made by stipulation. Stipulations**

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

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

5
6 IT IS SO ORDERED.

7 Dated: May 10, 2017

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE