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

LARRY POWELL,)	Case No.: 1:17-cv-00235 JLT
)	
Plaintiff,)	SCHEDULING ORDER (Fed. R. Civ. P. 16)
)	
v.)	Pleading Amendment Deadline: 8/14/2017
)	
FCA US LLC,)	Discovery Deadlines:
)	Initial Disclosures: 7/9/2017
Defendant.)	Non-Expert: 3/30/2018
)	Expert: 6/11/2018
)	Mid-Discovery Status Conference: 12/11/2017 at 8:30 a.m.
<hr/>		
		Non-Dispositive Motion Deadlines: Filing: 6/22/2018 Hearing: 7/31/2018
		Dispositive Motion Deadlines: Filing: 8/11/2018 Hearing: 9/18/2018
		Pre-Trial Conference: 10/30/2018 at 9:30 a.m.
		Trial: 1/9/2019 at 8:30 a.m. Jury trial: 5-7 days

- I. Pleading Amendment Deadline**
Any requested pleading amendments are ordered to be filed, either through a stipulation or motion to amend, no later than **August 14, 2017**.
- II. Discovery Plan and Cut-Off Date**
The parties are ordered to exchange the initial disclosures required by Fed. R. Civ. P. 26(a)(1)

1 on or before **July 9, 2017**.

2 The parties are ordered to complete all discovery pertaining to non-experts on or before **March**
3 **30, 2018** and all discovery pertaining to experts on or before **June 11, 2018**.

4 The parties are directed to disclose all expert witnesses¹ in writing on or before **April 9, 2018**,
5 and to disclose all rebuttal experts on or before **May 14, 2018**. The written designation of retained and
6 non-retained experts shall **be made pursuant to Fed. R. Civ. P. Rule 26(a)(2), (A), (B), and (C) and**
7 **shall include all information required thereunder**. Failure to designate experts in compliance with
8 this order may result in the Court excluding the testimony or other evidence offered through such
9 experts that are not disclosed pursuant to this order.

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

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

16 A mid-discovery status conference is scheduled for **December 11, 2017** at 8:30 a.m. before the
17 Honorable Jennifer L. Thurston, U.S. Magistrate Judge, located at 510 19th Street, Bakersfield,
18 California. Counsel SHALL file a joint mid-discovery status conference report one week before the
19 conference. Counsel also SHALL lodge the status report via e-mail to JLTorders@caed.uscourts.gov.
20 The joint statement SHALL outline the discovery counsel have completed and that which needs to be
21 completed as well as any impediments to completing the discovery within the deadlines set forth in this
22 order. Counsel may appear via teleconference by dialing (888) 557-8511 and entering Access Code
23 1652736, provided the Magistrate Judge's Courtroom Deputy Clerk receives a written notice of the
24 intent to appear telephonically no later than five court days before the noticed hearing date.

25 **VII. Pre-Trial Motion Schedule**

26 All non-dispositive pre-trial motions, including any discovery motions, shall be filed no later

27 _____
28 ¹ In the event an expert will offer opinions related to an independent medical examination of the vehicle, 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 than **June 22, 2018** and heard on or before **July 31, 2018**. Counsel may appear via teleconference by
2 dialing (888) 557-8511 and entering Access Code 1652736, provided the Magistrate Judge's Courtroom
3 Deputy Clerk receives a written notice of the intent to appear telephonically no later than five court
4 days before the noticed hearing date.

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

16 All dispositive pre-trial motions shall be filed no later than **August 11, 2018** and heard no later
17 than **September 18, 2018**. In scheduling such motions, **counsel shall comply with Fed. R. Civ. P. 56**
18 **and Local Rules 230 and 260.**

19 **VIII. Motions for Summary Judgment or Summary Adjudication**

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

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

28 The moving party **SHALL** initiate the meeting and **SHALL** provide a complete, proposed

1 statement of undisputed facts **at least five days before** the conference. The finalized joint statement of
2 undisputed facts **SHALL** include all facts that the parties agree, for purposes of the motion, may be
3 deemed true. In addition to the requirements of Local Rule 260, the moving party shall file the joint
4 statement of undisputed facts.

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

8 **IX. Pre-Trial Conference Date**

9 **October 30, 2018** at 9:30 a.m.

10 The parties are ordered to file a **Joint Pretrial Statement pursuant to Local Rule 281(a)(2).**
11 The parties are further directed to submit a digital copy of their pretrial statement in Word format by
12 email to JLTorders@caed.uscourts.gov.

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

18 **X. Trial Date**

19 **January 9, 2019** at 8:30 a.m. at the United States Courthouse, 510 19th Street, Bakersfield, CA.

20 A. This is a jury trial.

21 B. Counsels' Estimate of Trial Time: 5-7 days.

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

24 **XI. Settlement Conference**

25 Counsel may jointly request a settlement conference if they decide such a conference may be
26 fruitful

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1 **XII. Request for Bifurcation, Appointment of Special Master, or other**
2 **Techniques to Shorten Trial**

3 The defendants may seek bifurcation of the issues of the statute of limitations, laches and failure
4 to exhaust administrative remedies.

5 **XIII. Related Matters Pending**

6 None.

7 **XIV. Compliance with Federal Procedure**

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

13 **XV. Effect of this Order**

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

19 **The dates set in this Order are considered to be firm and will not be modified absent a**
20 **showing of good cause even if the request to modify is made by stipulation. Stipulations**
21 **extending the deadlines contained herein will not be considered unless they are accompanied by**
22 **affidavits or declarations, and where appropriate attached exhibits, which establish good cause**
23 **for granting the relief requested.**

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

25
26 IT IS SO ORDERED.

27 Dated: May 19, 2017

28 /s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE