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8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
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11 EMMANUEL SALGADO, on behalf of  
12 himself and all other similarly situated,

13 Plaintiffs,

14 v.

15 T-MOBILE USA, INC.,

16 Defendant.  
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18  
19  
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21  
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23

) Case No.: 1:17-cv-00339-JLT  
)  
)

) SCHEDULING ORDER (Fed. R. Civ. P. 16)  
)

) Pleading Amendment Deadline: 12/29/2017  
)

) Discovery Deadlines:  
)

) Initial Disclosures: 9/25/2017  
)

) Non-Expert/Expert (Plaintiff) (Class Issues):  
1/28/2019  
)

) Non-Expert/Expert (Defendant)  
(Class Issues): 12/17/2018  
)

) Mid-Discovery Status Conference:  
6/11/2018 at 8:30 a.m.  
)

) Class Certification Motion Deadlines:  
)

) Filing: 10/29/2018  
)

) Opposition: 12/17/2018  
)

) Reply brief: 1/28/2019  
)

) Hearing: 2/25/2019 at 9:00 a.m.  
)

24 **I. Date of Scheduling Conference**

25 August 28, 2017.

26 **II. Appearances of Counsel**

27 Gregg Lander appeared on behalf of Plaintiff.

28 Gregory Iskander appeared on behalf of Defendant.

1 **III. Pleading Amendment Deadline**

2 Any requested pleading amendments are ordered to be filed, either through a stipulation or  
3 motion to amend, no later than **December 29, 2017**.

4 **IV. Discovery Plan and Cut-Off Date**

5 The parties are ordered to exchange the initial disclosures required by Fed. R. Civ. P. 26(a)(1)  
6 on or before **September 25, 2017**.

7 Discovery is now open for discovery related to jurisdictional issues under CAFA and all non-  
8 expert discovery pertaining to the class certification motion. Plaintiff will complete all discovery need  
9 to file the motion for class certification no later than **August 10, 2018**. The defendant may also  
10 conduct discovery related to the contents of the class certification motion after it is filed and until the  
11 opposition is due on **December 17, 2018**, and the plaintiff may conduct discovery in response to the  
12 content of the opposition after it is filed and until the reply is filed on **January 28, 2019**.

13 A mid-discovery status conference is scheduled for **June 11, 2018**, at 8:30 a.m. before the  
14 Honorable Jennifer L. Thurston, U.S. Magistrate Judge, located at 510 19<sup>th</sup> Street, Bakersfield,  
15 California. Counsel SHALL file a Joint Mid-Discovery Status Conference Report one week prior to  
16 the conference, and shall also lodge it via e-mailed, in Word format, to JLTorders@caed.uscourts.gov.  
17 The joint statement SHALL outline the discovery completed, that which needs to be completed, and  
18 any impediments to completing the discovery within the deadlines set forth in this order.

19 Counsel may appear via teleconference by dialing (888) 557-8511 and entering Access Code  
20 1652736, provided the Magistrate Judge's Courtroom Deputy Clerk receives a written notice of the  
21 intent to appear telephonically no later than five court days before the noticed hearing date.

22 **V. Pre-Trial Motion Schedule**

23 No written discovery motions shall be filed without the prior approval of the assigned  
24 Magistrate Judge. A party with a discovery dispute must first confer with the opposing party in a good  
25 faith effort to resolve by agreement the issues in dispute. If that good faith effort is unsuccessful, the  
26 moving party promptly shall seek a telephonic hearing with all involved parties and the Magistrate  
27 Judge. It shall be the obligation of the moving party to arrange and originate the conference call to the  
28 court. To schedule this telephonic hearing, the parties are ordered to contact Courtroom Deputy Clerk,

Susan Hall at (661) 326-6620 or via email at SHall@caed.uscourts.gov. **Counsel must comply with Local Rule 251 with respect to discovery disputes or the motion will be denied without prejudice and dropped from calendar.**

In scheduling such motions, the Magistrate Judge may grant applications for an order shortening time pursuant to Local Rule 144(e). However, if counsel does not obtain an order shortening time, the notice of motion *must* comply with Local Rule 251. Counsel may appear and argue non-dispositive motions via CourtCall.

**VI. Motions for Summary Judgment or Summary Adjudication**

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

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

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

In the notice of motion the moving party shall certify that the parties have met and conferred as ordered above, or set forth a statement of good cause for the failure to meet and confer.

**VII. Motion for class certification**

The motion for class certification **SHALL** be filed no later than **October 29, 2018**. Opposition to the motion **SHALL** be filed no later than **December 17, 2018**. Neither the motion nor the opposition **SHALL** exceed 30 pages, exclusive of evidence and evidentiary objections, unless leave is granted by the Court before the filing. Any reply **SHALL** be filed no later than **January 28, 2019**, and

1 shall not exceed 15 pages, exclusive of evidentiary objections. Any objections to the evidence **SHALL**  
2 be filed at the same time as the opposition (for Defendant) and the reply (for Plaintiff).<sup>1</sup> A hard-copy,  
3 courtesy copy of all filings related to the class motion **SHALL** be sent via overnight mail to the  
4 Chambers of Judge Thurston at the United States Courthouse, 510 19th Street Suite 200, Bakersfield,  
5 CA 93301, at the same time the filing is submitted. All of the pages of evidence in the hard copy  
6 **SHALL** be numbered, tabbed and indexed.

7 The hearing on the motion for class certification is set on **February 25, 2019**, at 9:00 a.m.

8 **VIII. Settlement Conference**

9 If the parties believe the matter is in a settlement posture, the parties may submit a joint written  
10 request for a settlement conference, at which time a conference will be set with the Court.

11 **IX. Compliance with Federal Procedure**

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

18 **X. Effect of this Order**

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

23 **The dates set in this Order are considered to be firm and will not be modified absent a**  
24 **showing of good cause even if the request to modify is made by stipulation. Stipulations**  
25 **extending the deadlines contained herein will not be considered unless they are accompanied by**  
26 **affidavits or declarations, and where appropriate attached exhibits, which establish good cause**  
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<sup>1</sup> No motions to strike evidence will be entertained. If the Court sustains an objection to a piece of evidence, the evidence will not be considered.

1 **for granting the relief requested.**

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

3  
4 IT IS SO ORDERED.

5 Dated: August 28, 2017

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE