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

ANGELA HAYDEN, et al.,)	Case No.: 1:17-CV-0517- JLT
)	
Plaintiffs,	)	SCHEDULING ORDER (Fed. R. Civ. P. 16)
)	
v.	)	Pleading Amendment Deadline: 2/5/2018
)	
UNITED STATES OF AMERICA,	)	Discovery Deadlines:
	)	Initial Disclosures: 3/8/2018
Defendant.	)	Non-Expert: 7/6/2018
	)	Expert: 10/5/2018
	)	Mid-Discovery Status Conference: 5/31/2018 at 8:30 a.m.
)	
	)	Non-Dispositive Motion Deadlines:
	)	Filing: 10/19/2018
	)	Hearing: 11/16/2018
)	
	)	Dispositive Motion Deadlines:
	)	Filing: 12/7/2018
	)	Hearing: 1/11/2019
)	
	)	Trial: 2/25/2019 at 8:30 a.m.
	)	510 19 th Street, Bakersfield, CA
	)	Bench trial: 3-5 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 **February 5, 2018**.

1 **II. Fictitiously-Named Defendants**

2 All claims as to “Doe” Defendants, including any counterclaims and cross-claims, are hereby
3 **DISMISSED.**

4 **III. 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 **March 8, 2018.**

7 The parties are ordered to complete all discovery pertaining to non-experts on or before **July 6,**
8 **2018,** and all discovery pertaining to experts on or before **October 5, 2018.**

9 Plaintiffs are directed to disclose all expert witnesses, in writing, on or before **August 3, 2018.**
10 Defendant **SHALL** disclose its experts no later than **September 7, 2018.** Any rebuttal experts for
11 Plaintiffs **SHALL** be disclosed on or before **September 21, 2018.** In the event an expert will offer
12 opinions related to an independent medical or mental health evaluation, the examination **SHALL** occur
13 sufficiently in advance of the disclosure deadlines so the expert’s report fully details the expert’s
14 opinions in this regard.

15 The written designation of retained and non-retained experts shall **be made pursuant to Fed.**
16 **R. Civ. P. Rule 26(a)(2), (A), (B), and (C) and shall include all information required thereunder.**

17 Failure to designate experts in compliance with this order may result in the Court excluding the
18 testimony or other evidence offered through such experts that are not disclosed pursuant to this orde

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

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

25 A mid-discovery status conference is scheduled for **May 31, 2018** at 8:30 a.m. before the
26 Honorable Jennifer L. Thurston, U.S. Magistrate Judge, located at 510 19th Street, Bakersfield,
27 California. Counsel **SHALL** file a joint mid-discovery status conference report one week before the
28 conference. Counsel also **SHALL** lodge the status report via e-mail to JLTorders@caed.uscourts.gov.

1 The joint statement SHALL outline the discovery counsel have completed and that which needs to be
2 completed as well as any impediments to completing the discovery within the deadlines set forth in this
3 order. Counsel may appear via teleconference by dialing (888) 557-8511 and entering Access Code
4 1652736, provided the Magistrate Judge's Courtroom Deputy Clerk receives a written notice of the
5 intent to appear telephonically no later than five court days before the noticed hearing date.

6 **IV. Pre-Trial Motion Schedule**

7 All non-dispositive pre-trial motions, including any discovery motions, shall be filed no later
8 than **October 19, 2018**, and heard on or before **November 16, 2018**. The Court hears non-dispositive
9 motions at 9:00 a.m. at the United States District Courthouse in Bakersfield, California.

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

21 All dispositive pre-trial motions shall be filed no later than **December 7, 2018**, and heard no
22 later than **January 11, 2019**, before the Honorable Jennifer L. Thurston, United States Magistrate
23 Judge, at the United States District Courthouse in Bakersfield, California. In scheduling such motions,
24 **counsel shall comply with Fed. R. Civ. P. 56 and Local Rules 230 and 260.**

25 **V. Motions for Summary Judgment or Summary Adjudication**

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

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

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

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

14 **VI. Trial Date**

15 **February 25, 2019**, at 8:30 a.m. at the United States District Courthouse in Bakersfield,
16 California, before the Honorable Jennifer L. Thurston, United States Magistrate Judge.

17 A. This is a bench trial.

18 B. Counsels' Estimate of Trial Time: 3-5 days.

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

21 **VII. Settlement Conference**

22 A settlement conference is set before Magistrate Judge Barbara McAullife on February 22, 2018
23 at 9:30 a.m., located in Courtroom 8 in Fresno, California. (Doc. 18 at 2)

24 **VIII. Request for Bifurcation, Appointment of Special Master, or other Techniques to Shorten**
25 **Trial**

26 Not applicable at this time.

27 **IX. Related Matters Pending**

28 There are no pending related matters.

1 **X. Compliance with Federal Procedure**

2 All counsel are expected to familiarize themselves with the Federal Rules of Civil Procedure
3 and the Local Rules of Practice of the Eastern District of California, and to keep abreast of any
4 amendments thereto. The Court must insist upon compliance with these Rules to efficiently handle its
5 increasing case load, and sanctions will be imposed for failure to follow both the Federal Rules of Civil
6 Procedure and the Local Rules of Practice for the Eastern District of California.

7 **XIV. Effect of this Order**

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

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

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

19
20 IT IS SO ORDERED.

21 Dated: November 11, 2017

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE