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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

OLGA CASILDO, et al.,)	Case No.: 1:17-cv-0601 - LJO - JLT
)	
Plaintiffs,	)	SCHEDULING ORDER (Fed. R. Civ. P. 16)
)	
v.	)	Pleading Amendment Deadline: 8/27/2018
)	
ESPARZA ENTERPRISES, INC.,	)	Discovery Deadlines:
	)	Initial Disclosures: 6/15/2018
Defendants.	)	Non-Expert: 1/31/2019
	)	Expert: 4/18/2019
	)	Mid-Discovery Status Conference:
	)	9/10/2018 at 8:30 a.m.
)	
	)	Non-Dispositive Motion Deadlines:
	)	Filing: 4/30/2019
	)	Hearing: 5/28/2019
)	
	)	Dispositive Motion Deadlines:
	)	Filing: 6/11/2019
	)	Hearing: 7/23/2019
)	
	)	Pre-Trial Conference:
	)	9/17/2019 at 8:30 a.m.
	)	Courtroom 4
)	
	)	Trial: 11/19/2019 at 8:30 a.m.
	)	Courtroom 4
	)	Jury trial: 5-7 days

I. Date of Scheduling Conference
May 31, 2018.

1 **II. Appearances of Counsel**

2 Ari Stiller appeared on behalf of Plaintiff.

3 Daniel Klingenberger appeared on behalf of Defendant.

4 **III. Pleading Amendment Deadline**

5 Any requested pleading amendments are ordered to be filed, either through a stipulation or
6 motion to amend, no later than **August 27, 2018**.

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

8 The parties are ordered to exchange the initial disclosures required by Fed. R. Civ. P. 26(a)(1)
9 on or before **June 15, 2018**.

10 The parties are ordered to complete all discovery pertaining to non-experts on or before
11 **January 31, 2019** and all discovery pertaining to experts on or before **April 18, 2019**.

12 The parties are directed to disclose all expert witnesses¹, in writing, on or before **February 28,**
13 **2019**, and to disclose all rebuttal experts on or before **March 28, 2019**. The written designation of
14 retained and non-retained experts shall **be made pursuant to Fed. R. Civ. P. Rule 26(a)(2), (A), (B),**
15 **and (C) and shall include all information required thereunder**. Failure to designate experts in
16 compliance with this order may result in the Court excluding the testimony or other evidence offered
17 through such experts that are not disclosed pursuant to this order.

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

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

24 A mid-discovery status conference is scheduled for **September 10, 2018** at 8:30 a.m. before the
25 Honorable Jennifer L. Thurston, U.S. Magistrate Judge, located at 510 19th Street, Bakersfield,
26 California. Counsel **SHALL** file a joint mid-discovery status conference report one week before the
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¹ In the event an expert will offer opinions related to an independent evaluation, the evaluation SHALL occur sufficiently in advance of the disclosure deadline so the expert's report fully details the expert's opinions in this regard.

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

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

8 All non-dispositive pre-trial motions, including any discovery motions, shall be filed no later
9 than **April 30, 2019**, and heard on or before **May 28, 2019**. Non-dispositive motions are heard before
10 the Honorable Jennifer L. Thurston, United States Magistrate Judge at the United States Courthouse in
11 Bakersfield, California.

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

23 Counsel may appear and argue non-dispositive motions via teleconference by dialing (888) 557-
24 8511 and entering Access Code 1652736, provided the Magistrate Judge's Courtroom Deputy Clerk
25 receives a written notice of the intent to appear telephonically no later than five court days before the
26 noticed hearing date.

27 All dispositive pre-trial motions shall be filed no later than **June 11, 2019** and heard no later
28 than **July 23, 2019**, in Courtroom 4 at 8:30 a.m. before the Honorable Lawrence J. O'Neill, United

1 States District Court Judge. In scheduling such motions, **counsel shall comply with Fed. R. Civ. P. 56**
2 **and Local Rules 230 and 260.**

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

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

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

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

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

20 **VII. Pre-Trial Conference Date**

21 **September 17, 2019** at 8:30 a.m. in Courtroom 4 before Judge O'Neill.

22 The parties are ordered to file a **Joint Pretrial Statement pursuant to Local Rule 281(a)(2).**
23 The parties are further directed to submit a digital copy of their pretrial statement in Word format,
24 directly to Judge O'Neill's chambers, by email at LJOorders@caed.uscourts.gov.

25 Counsels' attention is directed to **Rules 281 and 282 of the Local Rules** of Practice for the
26 Eastern District of California, as to the obligations of counsel in preparing for the pre-trial conference.
27 The Court will insist upon strict compliance with those rules. In addition to the matters set forth in the
28 Local Rules the Joint Pretrial Statement shall include a Joint Statement of the case to be used by the

1 Court to explain the nature of the case to the jury during voir dire.

2 **VIII. Trial Date**

3 **November 19, 2019²** at 8:30 a.m. in Courtroom 4 before the Honorable Lawrence J. O'Neill,
4 United States District Court Judge.

5 A. This is a jury trial.

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

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

9 **IX. Settlement Conference**

10 The parties may request a settlement conference if they believe there is a likelihood the
11 conference would be fruitful.

12 **X. Request for Bifurcation, Appointment of Special Master, or other**

13 **Techniques to Shorten Trial**

14 Not applicable at this time.

15 **XI. Related Matters Pending**

16 There are no pending related matters.

17 **XII. Compliance with Federal Procedure**

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

24 **XIII. Effect of this Order**

25 The foregoing order represents the best estimate of the court and counsel as to the agenda most
26 suitable to dispose of this case. The trial date reserved is specifically reserved for this case. If the
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28 ² Counsel are advised that Judge O'Neill has announced that he will retire from the Court at the end of January 2020. In the event that the trial is not completed before his retirement, the case will be reassigned. In recent times, this process has taken up to three years to complete.

1 parties determine at any time that the schedule outlined in this order cannot be met, counsel are ordered
2 to notify the court immediately of that fact so that adjustments may be made, either by stipulation or by
3 subsequent status conference.

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

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

10
11 IT IS SO ORDERED.

12 Dated: May 31, 2018

13 /s/ Jennifer L. Thurston
14 UNITED STATES MAGISTRATE JUDGE