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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

U.S. CITRUS SCIENCE COUNCIL, et al.,

 Plaintiffs,

 v.

U.S. DEPARTMENT OF AGRICULTURE,
et al.,

 Defendants.

Case No. 1:17-cv-00680-LJO-SAB

ORDER RE CORRECTED JOINT
SCHEDULING REPORT; SETTING
BRIEFING SCHEDULE; AND VACATING
SEPTEMBER 14, 2017 SCHEDULING
CONFERENCE

(ECF No. 21)

On May 17, 2017, Plaintiffs filed this action under the Administrative Procedure Act, the Plant Protection Act, the National Environmental Policy Act, and the Regulatory Flexibility Act. (ECF No. 1.) On July 19, 2017, the Court continued the scheduling conference in this matter to September 14, 2017. (ECF No. 19.) Subsequently, on July 19, 2017, the parties filed a joint scheduling report. (ECF No. 20.) On July 20, 2017, the parties filed a corrected joint scheduling report. (ECF No. 21.) In the corrected joint scheduling report, the parties request that the Court set the requested briefing schedule. (ECF No. 21.)

On July 27, 2017, the Court conducted an informal telephonic conference to discuss the corrected joint scheduling report. David Ogden, Kelly Dunbar, and Christopher Casamassima appeared on behalf of Plaintiffs. Daniel Schwei, John Tustin, and Eric Womack appeared on behalf of Defendants.

Based upon the parties' corrected joint scheduling report, the Court will enter the

1 requested briefing schedule and vacate the September 14, 2017 scheduling conference. The
2 parties shall set any hearings on motions pursuant to the Local Rules.¹

3 In scheduling motions, counsel shall comply with **Fed. R. Civ. P. 56 and Local Rules**
4 **230 and 260**. Prior to filing a motion for summary judgment or motion for summary
5 adjudication, the parties are ORDERED to meet, in person or by telephone, and confer to discuss
6 the issues to be raised in the motion.

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

13 The moving party shall initiate the meeting and provide a draft of the Joint Statement of
14 Undisputed Facts. **In addition to the requirements of Local Rule 260, the moving party shall**
15 **file a Joint Statement of Undisputed Facts.**

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

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

25 Additional requirements and more detailed procedures for courtroom practice before
26 United States Magistrate Judge Stanley A. Boone can be found at the United States District

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28 ¹ The Court notes that the parties indicate that they do not consent to proceed before a United States Magistrate
judge. (ECF No. 21 at 8.)

1 Court for the Eastern District of California’s website (www.caed.uscourts.gov) under Judges;
2 United States Magistrate Judge Stanley A. Boone (SAB). In the area entitled “Case Management
3 Procedures,” there is a link to “Standard Information.” All parties and counsel shall comply with
4 the guidelines set forth therein.

5 **Stipulations extending the deadlines contained herein will not be considered unless**
6 **they are accompanied by affidavits or declarations, and where appropriate attached**
7 **exhibits, which establish good cause for granting the relief requested. The parties are**
8 **advised that due to the impacted nature of civil cases on the district judges in the Eastern**
9 **District of California, Fresno Division, that stipulations to continue set dates are disfavored**
10 **and will not be granted absent good cause.**

11 **Lastly, should counsel or a party appearing pro se fail to comply with the directions**
12 **as set forth above, an ex parte hearing may be held and contempt sanctions, including**
13 **monetary sanctions, dismissal, default, or other appropriate judgment, may be imposed**
14 **and/or ordered.**

15 Accordingly, IT IS HEREBY ORDERED that:

- 16 1. The September 14, 2017 scheduling conference is vacated;
- 17 2. The deadline for Defendants to file a motion to dismiss is **July 27, 2017**;
- 18 3. The deadline for Plaintiffs to file an opposition to the motion to dismiss is **August**
19 **10, 2017**;
- 20 4. The deadline for Defendants to file a reply on the motion to dismiss is **August 17,**
21 **2017**;
- 22 5. The hearing for any motion to dismiss or motion for summary judgment shall be
23 set pursuant to the Local Rules in Courtroom 4 before United States District
24 Judge Lawrence J. O’Neill;
- 25 6. The deadline for filing amendments is **August 17, 2017**;
- 26 7. The deadline for Defendants to lodge the administrative record is **September 20,**
27 **2017**. The parties do not have to provide a courtesy paper copy of the
28 administrative record;

- 1 8. The deadline for Plaintiffs to file any motions related to the administrative record
2 is **October 4, 2017**;
- 3 9. The deadline for Plaintiffs to file a motion for summary judgment is **October 18,**
4 **2017**. The page limit for Plaintiffs' motion for summary judgment is **35 pages**;
- 5 10. The deadline for Defendants to file an opposition and cross-motion for summary
6 judgment is **November 15, 2017**. The page limit for Defendants' opposition and
7 cross-motion for summary judgment is **40 pages**;
- 8 11. The deadline for Plaintiffs to file an opposition and reply on the motion for
9 summary judgment is **December 4, 2017**. The page limit for Plaintiffs'
10 opposition and reply on motion for summary judgment is **30 pages**; and
- 11 12. The deadline for Defendants to file a reply on the motion for summary judgment
12 is **December 22, 2017**. The page limit for Defendants' reply on summary
13 judgment is **25 pages**.

14 IT IS SO ORDERED.

15 Dated: July 27, 2017

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18 UNITED STATES MAGISTRATE JUDGE
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