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2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF CALIFORNIA
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6 ISAIAS VASQUEZ and LINDA HEFKE,

Case No. 1:17-cv-00796-AWI-BAM

7 Plaintiffs,

**SUPPLEMENTAL
SCHEDULING ORDER**

8
9 v.

10 LEPRINO FOODS COMPANY and
11 LEPRINO FOODS DIARY PRODUCTS
12 COMPANY,

Expert Disclosure: July 12, 2021

Supplemental
Expert Disclosure: September 10, 2021

13 Defendants.
14 _____/

Non-Expert
Discovery Deadline: June 14, 2021

Expert Discovery
Deadline: October 15, 2021

Dispositive Motion
Filing Deadline: November 8, 2021

Pretrial Conf.: Date: April 6, 2022
Time: 10:00 a.m.
Dept.: 2 (AWI)

Jury Trial: Date: June 7, 2022
Time: 8:30 a.m.
Dept.: 2 (AWI)

25 This Court conducted a scheduling conference on October 13, 2020. Counsel Kitty Szeto
26 appeared by telephone on behalf of Plaintiffs Isaias Vasquez and Linda Hefke. Counsel Lisa Pooley
27 appeared by telephone on behalf of Defendants Leprino Foods Company and Leprino Foods Dairy
28 Products Company.

1 In accordance with Federal Rule of Civil Procedure 16(b), this Court sets a supplemental
2 schedule for this action.

3 **1. Discovery Cutoffs and Limits**

4 Initial expert witness disclosures by any party shall be served no later than **July 12, 2021**.
5 Supplemental expert witness disclosures by any party shall be served no later than **September 10,**
6 **2021**. Such disclosures must be made pursuant to F.R.Civ.P. 26(a)(2)(A) and (B) and shall include all
7 information required thereunder. In addition, F.R.Civ.P. 26(b)(4) and F.R.Civ.P. 26(e) shall
8 specifically apply to all discovery relating to expert witnesses and their opinions. Each expert witness
9 must be prepared fully to be examined on all subjects and opinions included in the designations.
10 Failure to comply with these requirements will result in the imposition of appropriate sanctions, which
11 may include the preclusion of testimony or other evidence offered through the expert witness. In
12 particular, this Court will enforce preclusion of testimony or other evidence if F.R.Civ.P. 26(e) is not
13 strictly complied with.

14 All non-expert discovery, including motions to compel, shall be completed no later than **June**
15 **14, 2021**. All expert discovery, including motions to compel, shall be completed no later than
16 **October 15, 2021**. Compliance with these discovery cutoffs requires motions to compel be filed and
17 heard sufficiently in advance of the cutoff so that the Court may grant effective relief within the
18 allotted discovery time. A party's failure to have a discovery dispute heard sufficiently in advance of
19 the discovery cutoff may result in denial of the motion as untimely.

20 **2. Pretrial Motion Schedule**

21 All pre-trial motions, both dispositive and non-dispositive (except motions to compel,
22 addressed above), shall be filed no later than **November 8, 2021**. Non-dispositive motions are heard
23 on Fridays at 9:00 a.m., before the Honorable Barbara A. McAuliffe, United States Magistrate Judge,
24 in Courtroom 8. Before scheduling non-dispositive motions, the parties shall comply with Local Rule
25 230 or Local Rule 251. Counsel must comply with Local Rule 251 with respect to discovery disputes
26 or the motion will be denied without prejudice and dropped from calendar. In addition to filing a joint
27 statement electronically, a copy of the joint statement shall also be sent Judge McAuliffe's chambers
28 by email to bamorders@caed.uscourts.gov.

1 The parties are advised that unless prior leave of the Court is obtained, all moving and
2 opposition briefs or legal memorandum in civil cases before Judge McAuliffe shall not exceed twenty-
3 five (25) pages. Reply briefs by the moving party shall not exceed ten (10) pages. These page
4 limitations do not include exhibits. Briefs that exceed this page limitation, or are sought to be filed
5 without leave, may not be considered by the Court.

6 Counsel or pro se parties may appear and argue non-dispositive motions before Judge
7 McAuliffe by telephone by dialing the court's teleconference line at (877) 411-9748 and entering
8 Access Code 3219139, provided they indicate their intent to appear telephonically on their pleadings
9 or by email to evaldez@caed.uscourts.gov at least one week prior to the hearing.

10 Dispositive Pre-Trial Motions are heard in Courtroom 2 before the Honorable Anthony W.
11 Ishii, Senior District Judge. In scheduling such motions, the parties shall comply with Local Rules
12 230 and 260.

13 **Motions for Summary Judgment or Summary Adjudication**

14 Prior to filing a motion for summary judgment or motion for summary adjudication the parties
15 are ORDERED to meet, in person or by telephone, and confer to discuss the issues to be raised in the
16 motion.

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

23 **3. Settlement Conference**

24 A Settlement Conference has not been scheduled. The parties are advised to contact the Court
25 if they determine that a settlement conference would be beneficial. If a settlement conference is set,
26 the parties are advised that unless otherwise permitted in advance by the Court, the attorneys who will
27 try the case shall appear at the settlement conference with the parties and the person or persons having
28 full authority to negotiate and settle the case, on any terms, at the conference.

1 **4. Pretrial Conference**

2 This Court sets a pretrial conference for **April 6, 2022, at 10:00 a.m.** in Courtroom 2 and will
3 be heard before Senior District Judge Anthony W. Ishii.

4 The parties are ordered to file a Joint Pretrial Statement pursuant to Local Rule 281(a)(2). The
5 parties are further directed to submit an electronic copy of their pretrial statement in Word format,
6 directly to Senior District Judge Ishii's chambers by emailing it to awiorders@caed.uscourts.gov.

7 The parties' attention is directed to this Court's Local Rules 281 and 282. The parties must
8 identify all exhibits and witnesses, including those for rebuttal and/or impeachment purposes. No
9 exhibit or witness other than those listed in the joint pretrial statement and included in the Pretrial
10 Order may be used at trial. This Court will insist upon strict compliance with those rules.

11 At the pretrial conference, the Court will set deadlines, among others, to file motions in limine,
12 final witness lists, exhibits, jury instructions, objections, and other trial documents.

13 **5. Trial Date**

14 A jury trial is set for **June 7, 2022, at 8:30 a.m.** in Courtroom 2 before United States Senior
15 District Judge Anthony W. Ishii.

16 **6. Effect of This Order**

17 This order represents the best estimate of the Court and parties as to the agenda most suitable
18 to dispose of this case. If the parties determine at any time that the schedule outlined in this order
19 cannot be met, the parties are ordered to notify the Court immediately of that fact so that adjustments
20 may be made, either by stipulation or by subsequent status conference. Stipulations extending the
21 deadlines contained herein will not be considered unless they are accompanied by affidavits or
22 declarations with attached exhibits, where appropriate, which establish good cause for granting the
23 relief requested.

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

25 IT IS SO ORDERED.

26 Dated: October 13, 2020

27 /s/ Barbara A. McAuliffe
28 UNITED STATES MAGISTRATE JUDGE