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7 **UNITED STATES DISTRICT COURT**
8 **EASTERN DISTRICT OF CALIFORNIA**
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10 A.W. (A minor, by and through his parent and)
guardian ad litem, AMY WRIGHT),)
11 Plaintiff,)
12)
13 v.)
14 TEHACHAPI UNIFIED SCHOOL)
DISTRICT,)
15 Defendants.)

Case No.: 1:17-cv-00854 DAD JLT
AMENDED SCHEDULING ORDER
(Fed. R. Civ. P. 16)
Pleading Amendment Deadline: 4/13/2018
Administrative Record Deadline
Lodge: 5/11/2018
Merits Briefing:
Opening Brief: 5/11/2018
Defendant's response: 6/15/2018
Reply brief: 7/6/2018
Hearing deadline: 8/21/2018

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18 **I. Date of Scheduling Conference**

19 January 8, 2018.

20 **II. Appearances of Counsel**

21 Andrea Marcus appeared on behalf of Plaintiff.

22 Stephanie Virrey Gutcher appeared on behalf of Defendants.

23 **III. Magistrate Judge Consent:**

24 **Notice of Congested Docket and Court Policy of Trailing**

25 Due to the District Judges' heavy caseload, the newly adopted policy of the Fresno Division of
26 the Eastern District is to trail all civil cases. The parties are hereby notified that for a trial date set
27 before a District Judge, the parties will trail indefinitely behind any higher priority criminal or older
28 civil case set on the same date until a courtroom becomes available. A trial date will not be reset to a

1 continued date.

2 The Magistrate Judges' availability is far more realistic and accommodating to parties than that
3 of the U.S. District Judges who carry the heaviest caseloads in the nation and who must prioritize
4 criminal and older civil cases over more recently filed civil cases. A United States Magistrate Judge
5 may conduct trials, including entry of final judgment, pursuant to 28 U.S.C. § 636(c), Federal Rule of
6 Civil Procedure 73, and Local Rule 305. Any appeal from a judgment entered by a United States
7 Magistrate Judge is taken directly to the United States Court of Appeal for the Ninth Circuit.

8 The Fresno Division of the Eastern District of California, whenever possible, is utilizing United
9 States Article III District Court Judges from throughout the nation as Visiting Judges. Pursuant to the
10 Local Rules, Appendix A, such reassignments will be random, and the parties will receive no advance
11 notice before their case is reassigned to an Article III District Court Judge from outside of the Eastern
12 District of California. Therefore, the parties are directed to consider consenting to Magistrate Judge
13 jurisdiction to conduct all further proceedings, including trial.

14 **IV. Pleading Amendment Deadline**

15 Any requested pleading amendments are ordered to be filed, either through a stipulation or
16 motion to amend, no later than **April 13, 2018**. Any motion to amend the pleadings shall be heard by
17 the Honorable Dale A. Drozd, United States District Court Judge.

18 **V. Administrative Record**

19 Plaintiff **SHALL** lodge a searchable electronic copy of the administrative record no later than
20 **May 11, 2018**. Plaintiff **SHALL** also provide a courtesy paper copy to Judge Drozd's chambers at the
21 time of the filing of the opening brief.

22 If there is a dispute over the contents of the administrative record, the objecting party **SHALL**
23 confer with the opposing party in a good faith effort to resolve the issues in dispute. If that good faith
24 effort is unsuccessful, the objecting party **SHALL** promptly seek a telephonic hearing with all involved
25 parties and the Magistrate Judge. It is the obligation of the objecting party to arrange and originate the
26 conference call to the Court. To schedule this telephonic hearing, the parties are ordered to contact
27 Courtroom Deputy Clerk, Susan Hall at (661) 326-6620 or via email at SHall@caed.uscourts.gov.

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1 **VI. Merits Briefing and Hearing**

2 Plaintiff's opening brief **SHALL** be filed no later than **May 11, 2018**, and Defendant's
3 opposition brief **SHALL** be filed no later than **June 15, 2018**. Plaintiff's reply, if any, **SHALL** be filed
4 no later than **July 6, 2018**.

5 The opening brief **SHALL** set the hearing before the Honorable Dale A. Drozd, United States
6 District Court Judge, in Courtroom 5, on **August 21, 2018** at 8:30 a.m.

7 **VII. Compliance with Federal Procedure**

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

13 **VIII. Effect of this Order**

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

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

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

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26 IT IS SO ORDERED.

27 Dated: March 20, 2018

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE