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

JOHN SCALIA, individually and as successor )  
in interest of Decedent, KIMBERLY )  
MORRISSEY-SCALIA )  
Plaintiff, )  
v. )  
COUNTY OF KERN, et al., )  
Defendants. )

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Case No.: 1:17-cv-01097 LJO JLT  
SCHEDULING ORDER<sup>1</sup> (Fed. R. Civ. P. 16)  
Pleading Amendment Deadline: 9/7/2018  
Discovery Deadlines:  
Initial Disclosures: 6/11/2018  
Non-Expert: 2/18/2019  
Expert: 5/24/2019  
Mid-Discovery Status Conference:  
9/13/2018 at 8:30 a.m.  
Non-Dispositive Motion Deadlines:  
Filing: 6/10/2019  
Hearing: 7/15/2019  
Dispositive Motion Deadlines:  
Filing: 7/2/2019  
Hearing: 8/13/2019  
Pre-Trial Conference:  
10/8/2019 at 8:30 a.m.  
Courtroom 4  
Trial: 12/3/2019 at 8:30 a.m.  
Courtroom 4  
Jury trial: 7-10 days

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<sup>1</sup> The dates selected here are those proposed by the parties in their stipulation, except that they failed to propose dates related to non-dispositive motions in the stipulation, though one was included in the proposed order, for the mid-discovery status conference and for the pleading amendment deadline. (Doc. 38)

1 **I. Date of Scheduling Conference**

2 May 24, 2018.

3 **II. Pleading Amendment Deadline**

4 Any requested pleading amendments are ordered to be filed, either through a stipulation or  
5 motion to amend, no later than **September 7, 2018**.

6 **III. Discovery Plan and Cut-Off Date**

7 The parties are ordered to exchange the initial disclosures required by Fed. R. Civ. P. 26(a)(1)  
8 on or before **June 11, 2018**.

9 The parties are ordered to complete all discovery pertaining to non-experts on or before  
10 **February 18, 2019**, and all discovery pertaining to experts on or before **May 24, 2019**.

11 The parties are directed to disclose all expert witnesses, in writing, on or before **March 18,**  
12 **2019**, and to disclose all rebuttal experts on or before **April 15, 2019**. The written designation of  
13 retained and non-retained experts shall **be made pursuant to Fed. R. Civ. P. Rule 26(a)(2), (A), (B),**  
14 **and (C) and shall include all information required thereunder**. Failure to designate experts in  
15 compliance with this order may result in the Court excluding the testimony or other evidence offered  
16 through such experts that are not disclosed pursuant to this order.

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

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

23 A mid-discovery status conference is scheduled for **September 13, 2018 at 8:45** a.m. before the  
24 Honorable Jennifer L. Thurston, U.S. Magistrate Judge, located at 510 19th Street, Bakersfield,  
25 California. Counsel SHALL file a joint mid-discovery status conference report one week before the  
26 conference. Counsel also SHALL lodge the status report via e-mail to JLTorders@caed.uscourts.gov.  
27 The joint statement SHALL outline the discovery counsel have completed and that which needs to be  
28 completed as well as any impediments to completing the discovery within the deadlines set forth in this

1 order. Counsel may appear via teleconference by dialing (888) 557-8511 and entering Access Code  
2 1652736, provided the Magistrate Judge's Courtroom Deputy Clerk receives a written notice of the  
3 intent to appear telephonically no later than five court days before the noticed hearing date.

4 **VI. Pre-Trial Motion Schedule**

5 All non-dispositive pre-trial motions, including any discovery motions, shall be filed no later  
6 than **June 10, 2019**, and heard on or before **July 15, 2019**. Non-dispositive motions are heard before  
7 the Honorable Jennifer L. Thurston, United States Magistrate Judge at the United States Courthouse in  
8 Bakersfield, California.

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

20 Counsel may appear and argue non-dispositive motions via teleconference by dialing (888) 557-  
21 8511 and entering Access Code 1652736, provided the Magistrate Judge's Courtroom Deputy Clerk  
22 receives a written notice of the intent to appear telephonically no later than five court days before the  
23 noticed hearing date.

24 All dispositive pre-trial motions shall be filed no later than **July 2, 2019**, and heard no later than  
25 **August 13, 2019**, in Courtroom 4 at 8:30 a.m. before the Honorable Lawrence J. O'Neill, United States  
26 District Court Judge. In scheduling such motions, **counsel shall comply with Fed. R. Civ. P. 56 and**  
27 **Local Rules 230 and 260.**

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1 **VII. Motions for Summary Judgment or Summary Adjudication**

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

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

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

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

18 **VIII. Pre-Trial Conference Date**

19 **October 8, 2019** at 8:30 a.m. in Courtroom 4 before Judge O'Neill.

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

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

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1 **IX. Trial Date**

2 **December 3, 2019** at 8:30 a.m. in Courtroom 4 before the Honorable Lawrence J. O'Neill,  
3 United States District Court Judge.

4 A. This is a jury trial.

5 B. Counsels' Estimate of Trial Time: 7-10 days.

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

8 **X. Settlement Conference**

9 The parties may jointly request that the Court set a settlement conference if they agree that  
10 such a conference is likely to be fruitful.

11 **XI. Request for Bifurcation, Appointment of Special Master, or other**

12 **Techniques to Shorten Trial**

13 Not applicable at this time.

14 **XII. Related Matters Pending**

15 There are no pending related matters.

16 **XIII. Compliance with Federal Procedure**

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

22 **XIV. Effect of this Order**

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

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