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7 **UNITED STATES DISTRICT COURT**
8 **EASTERN DISTRICT OF CALIFORNIA**
9

10 MICHELLE RIZVANOVIC, individually, and)
11 on behalf of all others similarly situated,)

12 Plaintiff,)

13 v.)

14 UNITED PARCEL SERVICE, INC., an Ohio)
15 Corporation,)

16 Defendant.)
17 _____)
18

Case No.: 1:21-cv-01278-JLT

SCHEDULING ORDER (Fed. R. Civ. P. 16)

Discovery Deadlines:

Non-Expert (Class Issues): 6/30/2023

Mid-Discovery Status Conference:
4/27/2022 at 8:30 a.m.

Class Certification Motion Deadlines¹:

Filing: 8/17/2022

Opposition: 10/17/2022

Reply brief: 11/17/2022

Hearing: 1/23/2023 at 10:00 a.m.

19 **I. Discovery Plan and Cut-Off Date**

20 Discovery is now open for all non-expert discovery pertaining to the class certification motion
21 and to the merits, to the extent it overlaps with the class issues. All non-expert discovery related to the
22 motion for class certification **SHALL** be completed no later than **June 30, 2023**. Both sides may
23 conduct discovery as to the evidence relied upon in support of the motion and in opposition to the
24 motion for class certification.

25 The Court sets a mid-discovery status conference on **April 27, 2022**, at 8:30 a.m. at 510 19th
26 Street, Bakersfield, California. Counsel **SHALL** file a Joint Mid-Discovery Status Conference
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¹ The Court will set a further scheduling conference after the motion for class certification is determined.

1 Report one week prior to the conference, and shall also lodge it via e-mail, in Word format, to
2 JLTorders@caed.uscourts.gov. The joint statement **SHALL** outline the status of the matter,
3 including all discovery that has been completed as well as any impediments to completing the
4 discovery within the deadlines set forth in this order. **Counsel SHALL discuss settlement and**
5 **certify that they have done so.** Counsel may appear via teleconference by dialing (888) 557-8511
6 and entering Access Code 1652736, provided the Magistrate Judge's Courtroom Deputy Clerk
7 receives a written notice of the intent to appear telephonically no later than five court days before the
8 noticed hearing date.

9 **II. Pre-Trial Motion Schedule**

10 Non-dispositive motions are heard before the Honorable Jennifer L. Thurston, United States
11 Magistrate Judge, at the United States Courthouse in Bakersfield, California. For these hearings,
12 counsel may appear via teleconference by dialing (888) 557-8511 and entering Access Code
13 1652736, provided the Magistrate Judge's Courtroom Deputy Clerk receives a written notice of the
14 intent to appear telephonically no later than five court days before the noticed hearing date.

15 **No motion to amend or stipulation to amend the case schedule will be entertained unless**
16 **it is filed at least one week before the first deadline the parties wish to extend.** Likewise, no
17 written discovery motions shall be filed without the prior approval of the assigned Magistrate
18 Judge. A party with a discovery dispute must first confer with the opposing party in a good faith
19 effort to resolve by agreement the issues in dispute. If that good faith effort is unsuccessful, the
20 moving party promptly shall seek a telephonic hearing with all involved parties and the Magistrate
21 Judge. It shall be the obligation of the moving party to arrange and originate the conference call to
22 the court. To schedule this telephonic hearing, the parties are ordered to contact the Courtroom
23 Deputy Clerk, Susan Hall, at (661) 326-6620 or via email at SHall@caed.uscourts.gov. At least three
24 days before the conference, counsel SHALL file informal letter briefs detailing their positions. The
25 briefs may not exceed 7 pages, excluding exhibits. **Counsel must comply with Local Rule 251 with**
26 **respect to discovery disputes or the motion will be denied without prejudice and dropped from**
27 **the Court's calendar.**

28 In scheduling such motions, the Magistrate Judge may grant applications for an order

1 shortening time pursuant to Local Rule 144(e). However, if counsel does not obtain an order
2 shortening time, the notice of motion *must* comply with Local Rule 251.

3 **III. 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 **IV. Motion for class certification**

21 The motion for class certification **SHALL** be filed no later than **August 17, 2022**. Opposition
22 to the motion **SHALL** be filed no later than **October 17, 2022**. During the interval between the filing
23 of the motion and the deadline for the opposition, the Defendant may conduct discovery as to the
24 evidence relied upon by Plaintiff for the motion for class certification.

25 Neither the motion nor the opposition **SHALL** exceed 30 pages, exclusive of evidence and
26 evidentiary objections, unless leave is granted by the Court prior to the filing. Any reply **SHALL** be
27 filed no later than **November 17, 2022**, and shall not exceed 15 pages, exclusive of evidentiary
28 objections. During the interval between the filing of the opposition and the deadline for the reply, the

1 Plaintiff may conduct discovery as to the evidence relied upon by Defendant for the opposition to the
2 motion for class certification.

3 Any objections to the evidence **SHALL** be filed at the same time as the opposition (for
4 Defendant) and the reply (for Plaintiff).² A hard-copy, courtesy copy of all filings related to the
5 class motion **SHALL** be sent via overnight mail to the Chambers of Judge Thurston at the same
6 time the filing is submitted. All of the pages of evidence in the hard copy **SHALL** be numbered,
7 tabbed and indexed.

8 The hearing on the motion for class certification is set for **January 23, 2023** at 10:00 a.m.

9 **V. Settlement Conference**

10 If the parties believe the matter is in a settlement posture, the parties may submit a joint written
11 request for a settlement conference, at which time a conference will be set with the Court.

12 **VI. Compliance with Federal Procedure**

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

18 **VII. Effect of this Order**

19 The foregoing order represents the best estimate of the court and counsel as to the agenda most
20 suitable to dispose of this case. If the parties determine at any time that the schedule outlined in this
21 order cannot be met, counsel are ordered to notify the court immediately of that fact so that adjustments
22 may be made, either by stipulation or by subsequent status conference.

23 **The dates set in this order are firm and will not be modified absent a showing of good**
24 **cause even if the request to modify is made by stipulation. Stipulations extending the deadlines**
25 **contained herein will not be considered unless they are accompanied by affidavits or**
26 **declarations, and where appropriate attached exhibits, which establish good cause for granting**
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28 ² No motions to strike evidence will be entertained. If the Court sustains an objection to a piece of evidence,
the evidence will not be considered.

1 **the relief requested.**

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

3
4 IT IS SO ORDERED.

5 Dated: November 17, 2021

/s/ Jennifer L. Thurston
CHIEF UNITED STATES MAGISTRATE JUDGE