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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DANIEL HANNAH,

Plaintiff,

v.

CITY OF CLOVIS; P. GARCIA, Clovis
Police Department Officer; and S.
O'BRIEN, Clovis Police Department
Officer,

Defendants.

Case No. 1:24-cv-00184-KES-HBK

CASE MANAGEMENT AND
SCHEDULING ORDER

The Court telephonically conducted a mandatory Initial Scheduling Conference on Thursday, May 9, 2024. Attorney William L. Schmidt appeared on behalf of Plaintiff Daniel Hannah and Attorney Denny Yu appeared on behalf of Defendants the City of Clovis and Clovis Police Department Officers P. Garcia and S. O'Brien. Following a review of the parties' Joint Scheduling Report (Doc. No. 10), the Court enters this Case Management and Scheduling Order (CMSO) pursuant to Fed. R. Civ. P. 16(b). This CMSO, to the greatest extent possible, uses the dates proposed and/or agreed to by the parties during the scheduling conference.

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I. Deadlines and Dates

Action or Event	Date
Deadline for providing mandatory initial disclosures. <i>See</i> Fed. R. Civ. P. 26(a)(1). <i>If not already completed.</i>	05/16/2024
Deadline to move to join a party or amend pleadings. <i>See</i> Fed. R. Civ. P. 14, 15, 19, 20.	06/13/2024
Telephonic Mid-Discovery Status Conference	Report Due: 11/07/24 Conference: 11/21/24 at 1:00 p.m.
Deadline to complete non-expert discovery. <i>See</i> Fed. R. Civ. P. 37.	03/03/2025
Deadline for plaintiff to disclose expert report(s). <i>See</i> Fed. R. Civ. P. 26(a)(2).	04/01/2025
Deadline for defendants to disclose expert report(s).	04/01/2025
Deadline for disclosing any expert rebuttal report(s).	05/05/2025
Deadline for Expert discovery.	06/09/2025
Deadline to advise the Court of settlement, ADR, VDRP or mediation efforts to date. <i>See</i> Local Rules 270, 271. <i>The parties may contact Chambers prior to this date to arrange a settlement conference.</i>	07/14/2025
Deadline to file pre-trial dispositive motions. <i>See</i> Fed. R. Civ. P. 56.	08/12/2025
Deadline to file final joint pretrial statement, motion(s) <i>in limine</i> , proposed jury instructions, and verdict form. <i>See</i> Local Rules 281, 282.	01/05/2026
Date of the final pretrial conference. <i>See</i> Fed. R. Civ. P. 16(e); <i>See</i> Local Rule 280, 281, 282, 283. (Monday)	01/12/2026 at 1:30 p.m.
Trial Date. (Tuesday)	03/03/2026 at 8:30 a.m.

II. Discovery and Mid-Discovery Status Conference

The parties are bound by the limitations on discovery imposed under the Federal Rules of Civil Procedure and the Court’s Local Rules. The Court follows the rule that the completion date

1 means that all discovery must be finished by the deadline set in the Rule 16 Case Management
2 and Scheduling Order. Motions to compel filed after the discovery deadline are presumptively
3 untimely and may be denied on that basis alone.

4 The Court will hold a Mid-Discovery Status Conference to address any discovery
5 concerns that may arise during discovery without the need to file a formal motion. The parties
6 shall file a Joint Mid-Discovery Status Report, not to exceed five (5) pages in length, which shall
7 outline the status of the case, any additional discovery still planned, potential for settlement, and
8 any other issues that might benefit from the Court's assistance/direction.

9 The parties shall file the Joint Report as set forth above, and email a copy, in Word
10 format, to hbkorders@caed.uscourts.gov. Parties may appear telephonically on the above-
11 scheduled date at 1:00 p.m. by dialing: 1-888-204-5984 and entering Access Code 4446176.

12 *Alternatively, if there are no discovery issues and the parties do not otherwise require the Court's*
13 *assistance at this stage, the parties may move to vacate the Mid-Discovery Status Conference by*
14 *including a request in their Joint Report. **Vacating the Mid-Discovery Status Conference does***
15 **not relieve the parties of the requirement of filing a Joint Mid-Discovery Report.**

16 Filing Motions, Deadlines and Hearings

17 Unless the Court grants prior leave, all moving and opposition briefs or legal
18 memorandum in civil cases before Judge Barch-Kuchta shall not exceed twenty-five (25) pages.
19 Reply briefs by the moving party shall not exceed ten (10) pages. These page limitations do not
20 include exhibits or declarations. Briefs exceeding this page limitation without leave of Court may
21 be stricken or not considered. Counsel may choose to appear telephonically to argue non-
22 dispositive motions before Magistrate Judge Barch-Kuchta, provided they indicate their intent to
23 appear telephonically on their pleadings at least one week before the hearing. The Court's
24 teleconference line is 1-888-204-5984; Access Code 4446176.

25 Local Rule 230(b) governs the deadlines for a party to file a response and/or a reply to a
26 motion. As a rule, the Court will consider motions based on a review of the papers without oral
27 argument under Local Rule 230(g). If the Court decides a hearing is necessary following review
28 of the record and briefs on file, the Court will set a hearing.

1 Informal Discovery Conference Prior to Filing Motion to Compel

2 Prior to filing a discovery motion under Fed. R. Civ. P. 37, a party must receive
3 permission from the Court, which the Court will grant following an informal discovery
4 conference. An informal discovery conference is separate and apart from the Mid-Discovery
5 Conference above.

6 Please refer to Judge Barch-Kuchta’s “Case Management Procedures” included under the
7 “Civil Procedures” tab on this Court’s webpage.¹ A party requesting an informal discovery
8 conference should contact Chambers for available dates. The Court will schedule the conference
9 as soon as possible, taking into consideration the urgency of the issue. Before contacting the
10 Court, the parties must meet and confer by speaking in person, over the telephone, or via video
11 conference in attempt to resolve the dispute.

12 At least 24-hours before the conference, each party shall simultaneously submit a letter
13 brief, outlining their position regarding the dispute. The letter briefs shall be no longer than three
14 (3) pages in length. Letter briefs should not be filed but shall be emailed to Chambers at
15 hbkorders@edca.uscourts.gov.

16 Motions to Compel

17 After taking part in the informal discovery conference, the parties must conduct at least
18 one more **telephonic or video** call as part of their obligations to meet and confer in good faith to
19 resolve their discovery dispute prior to seeking judicial intervention. If a party files a motion to
20 compel under Fed. R. Civ. P. 37, the parties must prepare and file a Joint Statement Regarding
21 Discovery Disagreement in compliance with Local Rule 251. Failure to follow Local Rule 251
22 will result in the Court denying the motion without prejudice and dropping the motion from
23 calendar. In addition to filing a Joint Statement electronically, a copy of the Joint Statement, in
24 Word format, shall also emailed to Chambers at hbkorders@caed.uscourts.gov.

25 **III. Mandatory Settlement Conference** (Local Rule 270)

26 By the above date, the parties shall submit a Joint Settlement Statement indicating

27 _____
28 ¹ Available at <http://www.caed.uscourts.gov/caednew/index.cfm/judges/all-judges/502311/>.

1 whether they have engaged in settlement discussions or mediation and/or whether they request the
2 Court to set a settlement conference. If so, a settlement conference will be set by separate order.
3 The parties are advised that unless otherwise allowed in advance by the Court, the attorneys who
4 will try the case shall appear at the settlement conference with the parties and the person or
5 persons having full authority to negotiate and settle the case, on any terms, at the conference.
6 *The parties may contact Chambers any time prior to this date if they wish to schedule a*
7 *settlement conference or participate in the VDRP program set forth in Local Rule 271.*

8 **IV. Dispositive Pre-Trial Motions**

9 All dispositive pre-trial motions shall be filed no later than **August 12, 2025** and will be
10 heard pursuant to the Local Rules in Courtroom 6 before United States District Judge Kirk E.
11 Sherriff. In scheduling such motions, counsel shall comply with Fed. R. Civ. P 56 and Local
12 Rules 230 and 260. Prior to filing a motion for summary judgment or motion for summary
13 adjudication, the parties are ORDERED to meet, in person or by telephone, and confer to discuss
14 the issues to be raised in the motion. The purpose of the meeting shall be to: 1) avoid filing
15 motions for summary judgment where a question of fact exists; 2) determine whether the
16 respondent agrees that the motion has merit in whole or in part; 3) discuss whether issues can be
17 resolved without the necessity of briefing; 4) narrow the issues for review by the court; 5) explore
18 the possibility of settlement before the parties incur the expense of briefing a summary judgment
19 motion; and 6) to arrive at a Joint Statement of Undisputed Facts. The moving party shall initiate
20 the meeting and provide a draft of the Joint Statement of Undisputed Facts. In addition to the
21 requirements of Local Rule 260, the moving party shall file a Joint Statement of Undisputed
22 Facts. In the Notice of Motion, the moving party shall certify that the parties have met and
23 conferred or set forth a statement of good cause for the failure to meet and confer.

24 **V. Pre-Trial Conference Date**

25 The Pre-Trial conference is set for **Monday, January 12, 2026 at 1:30 p.m. in**
26 **Courtroom 6** before United States District Judge Kirk E. Sherriff. The parties are ordered to file
27 a **Joint Pretrial Statement pursuant to Local Rule 281(a)(2)**. The parties are further directed
28 to submit a digital copy of their Pretrial Statement in Word format, directly to Judge Sherriff's

1 chambers by email at kes.orders@caed.uscourts.gov. Counsels' attention is directed to **Rules 281**
2 **and 282 of the Local Rules** for the Eastern District of California, as to the obligations of counsel
3 in preparing for the pre-trial conference. The Court will insist upon strict compliance with those
4 rules. In addition to the matters set forth in the Local Rules, the Joint Pretrial Statement shall
5 include a Joint Statement of the Case to be used by the Court to explain the nature of the case to
6 the jury during voir dire.

7 **VI. Trial Date**

8 Trial is set for **Tuesday, March 3, 2026 at 8:30 a.m.** in Courtroom 6 before the
9 Honorable Kirk E. Sherriff.

10 A. This is a jury trial.


11 B. Counsels' Estimate of Trial Time: 5-7 Days.

12 C. Counsels' attention is directed to Local Rule 285 for the Eastern District of California.

13 **VII. Effect of This Order**

14 This CMSO represents the best estimate of the Court and parties as to the schedule most
15 suitable for this case. The dates set in this Order are firm and will not be modified absent a
16 showing of good cause even if the request to modify is made by stipulation. Stipulations
17 extending the deadlines will not be considered unless they are accompanied by affidavits or
18 declarations, and where appropriate, attached exhibits, which establish good cause for granting
19 the relief requested. The failure to comply with this Order may result in the imposition of
20 sanctions.

21
22 Dated: May 9, 2024


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE