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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSEPH GERBER,

No. CIV.S-06-1024 DFL DAD PS

Plaintiff,

v.

ORDER SETTING STATUS
(PRETRIAL SCHEDULING)
CONFERENCE

AMERICAN EXPRESS CENTURION
BANK, et al.,

Defendants.

_____ /

This action has been assigned to United States District Judge David F. Levi and, pursuant to Local Rule 72-302(c)(21), has been referred to Magistrate Judge Dale A. Drozd for all purposes encompassed by that provision.

The parties are informed that they may, if all consent, have this case tried by a United States Magistrate Judge while preserving their right to appeal to the Ninth Circuit Court of Appeals. An appropriate form for consent to trial by a magistrate judge is attached. Any party choosing to consent may complete the

1 form and return it to the Clerk of the Court. Neither the magistrate
2 judge nor the district judge handling the case will be notified of
3 the filing of a consent form, unless all parties to the action have
4 consented.

5 Pursuant to the provisions of Federal Rule of Civil
6 Procedure 16, as amended, effective December 1, 1993, IT IS ORDERED:

7 1. A Status (Pretrial Scheduling) Conference is set for
8 **September 8, 2006, at 11:00 a.m.**, in Courtroom No. 27, before
9 Magistrate Judge Drozd.

10 2. Rule 4(m) of the Federal Rules of Civil Procedure
11 provides that this action may be dismissed if service of process is
12 not accomplished within 120 days from the date the complaint is
13 filed. In order to enable the court to comply with the 120-day time
14 limits specified in Rules 4(m) and 16(b), the court **strongly**
15 **encourages plaintiff to complete service of process on all defendants**
16 **within sixty days of the date of filing of the complaint.**

17 3. Concurrently with service of process, or as soon
18 thereafter as possible, plaintiff shall serve upon each of the
19 parties named in the complaint, and UPON ALL PARTIES SUBSEQUENTLY
20 JOINED, INCLUDING IMPLEADED THIRD-PARTY DEFENDANTS, a copy of this
21 order, and shall file with the Clerk of the Court a certificate
22 reflecting such service.

23 4. If this action was originally filed in a state court
24 and thereafter removed to this court, the removing party or parties
25 shall, immediately following removal, serve a copy of this order upon

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1 each of the other parties and upon all parties subsequently joined,
2 and shall file with the Clerk a certificate reflecting such service.

3 5. All parties shall appear at the Status Conference by
4 counsel, or in person if acting without counsel. Parties may appear
5 at the conference telephonically. To arrange telephonic appearance,
6 parties shall contact Pete Buzo, the courtroom deputy of the
7 undersigned magistrate judge, at (916) 930-4128.

8 6. The parties shall submit to the court, no later than
9 seven days before the Status (Pretrial Scheduling) Conference, a
10 status report addressing the following matters:

- 11 a. Progress of service of process;
- 12 b. Possible joinder of additional parties;
- 13 c. Any expected or desired amendment of
14 the pleadings;
- 15 d. Jurisdiction and venue;
- 16 e. Anticipated motions and the scheduling
17 thereof;
- 18 f. Anticipated discovery and the
19 scheduling thereof, including
20 disclosure of expert witnesses;
- 21 g. Future proceedings, including setting
22 appropriate cut-off dates for discovery
23 and law and motion, and the scheduling
24 of a final pretrial conference and
25 trial;
- 26 h. Modification of standard pretrial
procedures specified by the rules due
to the relative simplicity or
complexity of the action;
- i. Whether the case is related to any
other case, including matters in
bankruptcy;

1 j. Whether the parties will stipulate to
2 the magistrate judge assigned to this
3 matter acting as settlement judge,
4 waiving any disqualifications by virtue
of his so acting, or whether they
prefer to have a Settlement Conference
before another judge;

5 k. Any other matters that may add to the
6 just and expeditious disposition of
this action; and

7 l. Whether the parties intend to consent
8 to proceed before a United States
Magistrate Judge.

9 7. The Clerk of the Court shall send plaintiff, along with
10 this order, the appropriate number of copies (i.e., one for each
11 defendant and plaintiff) of the form "Consent to Proceed Before
12 United States Magistrate Judge." Plaintiff shall serve each
13 defendant with a copy of this form.

14 DATED: May 18, 2006.

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16 _____
17 DALE A. DROZD
18 UNITED STATES MAGISTRATE JUDGE

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