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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA, NO. 2:07-2114 WBS EFB

Plaintiff,

v.

REAL PROPERTY LOCATED AT 24545  
N. SUTTENFIELD ROAD, ACAMPO,  
CALIFORNIA, SAN JOAQUIN COUNTY,  
APN: 021-042-16, INCLUDING ALL  
APPURTENANCES AND IMPROVEMENTS  
THERE TO,

Defendant.

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STATUS (PRETRIAL SCHEDULING) ORDER

After reviewing plaintiff and claimants William H. Pearce, Kristin Burckard, and JP Morgan Chase Bank, N.A.'s ("parties") Joint Status Report, the court hereby makes the following findings and orders without needing to consult with the parties any further.

I. SERVICE OF PROCESS

The potential claimants have been served and no further

1 service is permitted without leave of court, good cause having  
2 been shown under Federal Rule of Civil Procedure 16(b).

3 II. JOINER OF PARTIES/AMENDMENTS

4 No further joinder of parties or amendments to  
5 pleadings will be permitted except with leave of court, good  
6 cause having been shown under Federal Rule of Civil Procedure  
7 16(b). See Johnson v. Mammoth Recreations, Inc., 975 F.2d 604  
8 (9th Cir. 1992).

9 III. JURISDICTION/VENUE

10 Jurisdiction is predicated upon 28 U.S.C. § 1345  
11 (action commenced by the United States) and 28 U.S.C. § 1355  
12 (forfeiture). Venue is undisputed and is hereby found to be  
13 proper.

14 IV. DISCOVERY

15 Pursuant to Federal Rule of Civil Procedure  
16 26(a)(1)(B)(ii), this action is exempt from the initial  
17 disclosure requirements because it is "a forfeiture action in rem  
18 arising from a federal statute."

19 The parties shall disclose experts and produce reports  
20 in accordance with Federal Rule of Civil Procedure 26(a)(2) by no  
21 later than May 1, 2011. With regard to expert testimony intended  
22 solely for rebuttal, those experts shall be disclosed and reports  
23 produced in accordance with Federal Rule of Civil Procedure  
24 26(a)(2) on or before June 1, 2011. The parties agree that any  
25 report prepared by a non-retained expert witness in the course of  
26 the underlying criminal investigation will satisfy the  
27 requirement of the production of a "report" under Federal Rule of  
28 Civil Procedure 26(a)(2)(B).

1 All discovery, including depositions for preservation  
2 of testimony, is left open, save and except that it shall be so  
3 conducted as to be completed by July 1, 2011. The word  
4 "completed" means that all discovery shall have been conducted so  
5 that all depositions have been taken and any disputes relevant to  
6 discovery shall have been resolved by appropriate order if  
7 necessary and, where discovery has been ordered, the order has  
8 been obeyed. All motions to compel discovery must be noticed on  
9 the magistrate judge's calendar in accordance with the local  
10 rules of this court and so that such motions may be heard (and  
11 any resulting orders obeyed) not later than July 1, 2011.

12 V. MOTION HEARING SCHEDULE

13 All motions, except motions for continuances, temporary  
14 restraining orders, or other emergency applications shall be  
15 filed on or before September 2, 2011. All motions shall be  
16 noticed for the next available hearing date. Counsel are  
17 cautioned to refer to the local rules regarding the requirements  
18 for noticing and opposing such motions on the court's regularly  
19 scheduled law and motion calendar.

20 VI. FINAL PRETRIAL CONFERENCE

21 The Final Pretrial Conference is set for November 14,  
22 2011, at 2:00 p.m. in Courtroom No. 5. The conference shall be  
23 attended by at least one of the attorneys who will conduct the  
24 trial for each of the parties and by any unrepresented parties.

25 Counsel for all parties are to be fully prepared for  
26 trial at the time of the Pretrial Conference, with no matters  
27 remaining to be accomplished except production of witnesses for  
28 oral testimony. Counsel shall file separate pretrial statements,

1 and are referred to Local Rules 281 and 282 relating to the  
2 contents of and time for filing those statements. In addition to  
3 those subjects listed in Local Rule 281(b), the parties are to  
4 provide the court with: (1) a plain, concise statement which  
5 identifies every non-discovery motion which has been made to the  
6 court, and its resolution; (2) a list of the remaining claims;  
7 and (3) the estimated number of trial days.

8 In providing the plain, concise statements of  
9 undisputed facts and disputed factual issues contemplated by  
10 Local Rule 281(b)(3)-(4), the parties shall emphasize the claims  
11 that remain at issue, and any remaining affirmatively pled  
12 defenses thereto. If the case is to be tried to a jury, the  
13 parties shall also prepare a succinct statement of the case,  
14 which is appropriate for the court to read to the jury.

15 VII. TRIAL SETTING

16 The jury trial is set for January 31, 2012, at 9:00  
17 a.m. in Courtroom No. 5. The parties estimate that the jury  
18 trial will last two weeks.

19 VIII. SETTLEMENT CONFERENCE

20 A Settlement Conference will be set at the time of the  
21 Pretrial Conference. All parties should be prepared to advise  
22 the court whether they will stipulate to the trial judge acting  
23 as settlement judge and waive disqualification by virtue thereof.

24 Counsel are instructed to have a principal with full  
25 settlement authority present at the Settlement Conference or to  
26 be fully authorized to settle the matter on any terms. At least  
27 seven calendar days before the Settlement Conference counsel for  
28 each party shall submit a confidential Settlement Conference

1 Statement for review by the settlement judge. If the settlement  
2 judge is not the trial judge, the Settlement Conference  
3 Statements shall not be filed and will not otherwise be disclosed  
4 to the trial judge.

5 IX. MODIFICATIONS TO SCHEDULING ORDER

6 Any requests to modify the dates or terms of this  
7 Scheduling Order, except requests to change the date of the  
8 trial, may be heard and decided by the assigned Magistrate Judge.  
9 All requests to change the trial date shall be heard and decided  
10 only by the undersigned judge.

11 DATED: February 7, 2011

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13 WILLIAM B. SHUBB  
14 UNITED STATES DISTRICT JUDGE  
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