

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

MILOS LEUBNER,

Plaintiff,

No. 2:08cv0853 GEB JFM PS

vs.

KENNETH EGIE *et al.*,

Defendants.

ORDER SETTING STATUS CONFERENCE

This action has been assigned to Judge Garland E. Burrell and has been referred to the undersigned for all purposes described in Local Rule 302(c)(21). Plaintiff filed a third amended complaint on July 23, 2009. Defendants Thomas Mazzerra and Christopher Holden filed separate answers on December 2, 2009. Defendant Donna Dones filed an answer on April 28, 2010. Defendant Kenneth Egie has not yet appeared.

Pursuant to the provisions of Federal Rule of Civil Procedure 16 and Local Rule 240, IT IS HEREBY ORDERED that:

1. A Status (Pretrial Scheduling) Conference is set for June 17, 2010, at 11:00 a.m. in courtroom # 26 before the undersigned.
2. All parties shall appear by counsel or in person if acting without counsel.
3. The parties shall submit to the court and serve by mail on all other parties, no

1 later than seven days before the Status (Pretrial Scheduling) Conference, a status report
2 addressing the following matters:

- 3 a. Service of process;
- 4 b. Possible joinder of additional parties;
- 5 c. Any expected or desired amendment of the pleadings;
- 6 d. Jurisdiction and venue;
- 7 e. Anticipated motions and the scheduling thereof;
- 8 f. Anticipated discovery and the scheduling thereof;
- 9 g. Future proceedings, including setting appropriate cutoff dates for discovery
10 and law and motion and the scheduling of a pretrial conference and trial;
- 11 h. Modification of standard pretrial procedures specified by the rules due to the
12 relative simplicity or complexity of the action or proceedings;
- 13 i. Whether the case is related to any other case, including matters in
14 bankruptcy;
- 15 j. Whether the counsel will stipulate to the magistrate judge assigned to this
16 matter acting as settlement judge and waiving any disqualifications by virtue of his so acting, or
17 whether they prefer to have a Settlement Conference before another judge;
- 18 k. Any other matters that may add to the just and expeditious disposition of
19 this matter.

20 4. Plaintiff, counsel and all defendants appearing in pro per are reminded of their
21 continuing duty to notify chambers immediately of any settlement or other disposition (see Local
22 Rule 160). In addition, the parties are cautioned that pursuant to Local Rule 230(c), opposition
23 to the granting of a motion must be filed fourteen days preceding the noticed hearing date. The
24 Rule further provides that “[n]o party will be entitled to be heard in opposition to a motion at
25 oral arguments if written opposition to the motion has not been timely filed by that party.”
26 Moreover, Local Rule 230(i) provides that failure to appear may be deemed withdrawal of

1 opposition to the motion or may result in sanctions. Finally, Local Rule 110 provides that failure
2 to comply with the Local Rules “may be grounds for imposition of any and all sanctions
3 authorized by statute or Rule or within the inherent power of the Court.”

4 DATED: May 6, 2010.

5
6 
7 UNITED STATES MAGISTRATE JUDGE

8 /014;leubner.stat.set

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26