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

PATRICIA A. DAVIDSON, etc.

CIV. S-08-2941 JAM KJM

Plaintiff,

v.

STATUS (Pre-trial  
Scheduling) ORDER

BARBARA A. LISK, et al

Defendant.

After review of the Joint Status Report, the court  
makes the following order:

SERVICE OF PROCESS

All parties defendant to this lawsuit have been served and  
no further service will be permitted except with leave of court,  
good cause having been shown.

JOINDER OF ADDITIONAL PARTIES/AMENDMENTS

No further joinder of parties or amendments to pleadings is  
permitted except with leave of court, good cause having been  
shown.



1 in support of and in opposition to motions are limited to twenty-  
2 five (25) pages, and reply memoranda are limited to ten (10)  
3 pages. The parties are also cautioned against filing multiple  
4 briefs to circumvent this rule.

5 DISCOVERY

6 All discovery shall be completed by October 16, 2009. In  
7 this context, "completed" means that all discovery shall have  
8 been conducted so that all depositions have been taken and any  
9 disputes relative to discovery shall have been resolved by  
10 appropriate order if necessary and, where discovery has been  
11 ordered, the order has been complied with.

12 DISCLOSURE OF EXPERT WITNESSES

13 Plaintiff shall make expert witness disclosures under  
14 Fed. R. Civ. P. 26(a)(2) by June 16, 2009. Defendant's expert  
15 witness disclosure under Fed. R. Civ. P. 26(a)(2)(c) shall be  
16 made by July 17, 2009.

17 Failure of a party to comply with the disclosure schedule as  
18 set forth above in all likelihood will preclude that party from  
19 calling the expert witness at the time of trial absent a showing  
20 that the necessity for the witness could not have been reasonably  
21 anticipated at the time the disclosures were ordered and that the  
22 failure to make timely disclosure did not prejudice any other  
23 party. See Fed. R. Civ. P. 37(c).

24 All experts designated are to be fully prepared at the time  
25 of designation to render an informed opinion, and give their  
26 reasons therefore, so that they will be able to give full and

1 complete testimony at any deposition taken by the opposing  
2 parties. Experts will not be permitted to testify at the trial  
3 as to any information gathered or evaluated, or opinion formed,  
4 after deposition taken subsequent to designation.

5 JOINT MID-LITIGATION STATEMENTS

6 Not later than fourteen (14) days prior to the close of  
7 discovery, the parties shall file with the court a brief joint  
8 statement summarizing all law and motion practice heard by the  
9 court as of the date of the filing of the statement, whether the  
10 court has disposed of the motion at the time the statement is  
11 filed and served, and the likelihood that any further motions  
12 will be noticed prior to the close of law and motion. The filing  
13 of this statement shall not relieve the parties or counsel of  
14 their obligation to timely notice all appropriate motions as set  
15 forth above.

16 FINAL PRE-TRIAL CONFERENCE

17 The final pre-trial conference is set for January 22, 2010  
18 at 3:00 p.m. In each instance an attorney who will try the case  
19 for a given party shall attend the final pretrial conference on  
20 behalf of that party; provided, however, that if by reason of  
21 illness or other unavoidable circumstance the trial attorney is  
22 unable to attend, the attorney who attends in place of the trial  
23 attorney shall have equal familiarity with the case and equal  
24 authorization to make commitments on behalf of the client. All  
25 pro se parties must attend the pre-trial conference.

26 Counsel for all parties and all pro se parties are to be

1 fully prepared for trial at the time of the pre-trial conference,  
2 with no matters remaining to be accomplished except production of  
3 witnesses for oral testimony. The parties shall file with the  
4 court, no later than seven days prior to the final pre-trial  
5 conference, a joint pre-trial statement.

6 **Also at the time of filing the Joint Pretrial Statement, counsel**  
7 **are requested to e-mail the Joint Pretrial Statement in WPD or**  
8 **Word format to Judge Mendez's assistant, Jane Pratt**  
9 **at: [jpratt@caed.uscourts.gov](mailto:jpratt@caed.uscourts.gov).**

10 Where the parties are unable to agree as to what legal or  
11 factual issues are properly before the court for trial, they  
12 should nevertheless list all issues asserted by any of the  
13 parties and indicate by appropriate footnotes the disputes  
14 concerning such issues. The provisions of Local Rule 16-281  
15 shall, however, apply with respect to the matters to be included  
16 in the joint pre-trial statement. Failure to comply with Local  
17 Rule 16-281, as modified herein, may be grounds for sanctions.

18 The parties are reminded that pursuant to Local Rule  
19 16-281(b)(10) and (11) they are required to list in the final  
20 pre-trial statement all witnesses and exhibits they propose to  
21 offer at trial, no matter for what purpose. These lists shall  
22 not be contained in the body of the final pre-trial statement  
23 itself, but shall be attached as separate documents so that the  
24 court may attach them as an addendum to the final pre-trial  
25 order. The final pre-trial order will contain a stringent  
26 standard for the offering at trial of witnesses and exhibits not

1 listed in the final pre-trial order, and the parties are  
2 cautioned that the standard will be strictly applied. On the  
3 other hand, the listing of exhibits or witnesses that a party  
4 does not intend to offer will be viewed as an abuse of the  
5 court's processes.

6 The parties are also reminded that pursuant to Rule 16,  
7 Fed. R. Civ. P., it will be their duty at the final pre-trial  
8 conference to aid the court in: (a) formulation and  
9 simplification of issues and the elimination of frivolous claims  
10 or defenses; (b) settling of facts which should properly be  
11 admitted; and (c) the avoidance of unnecessary proof and  
12 cumulative evidence. Counsel must cooperatively prepare the  
13 joint pre-trial statement and participate in good faith at the  
14 final pre-trial conference with these aims in mind. A failure to  
15 do so may result in the imposition of sanctions which may include  
16 monetary sanctions, orders precluding proof, elimination of  
17 claims or defenses, or such other sanctions as the court deems  
18 appropriate.

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TRIAL SETTING

Jury trial in this matter is set for March 1, 2010 at  
9:00 a.m. The parties estimate a trial length of approximately 7  
days.

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SETTLEMENT CONFERENCE

No Settlement Conference is currently scheduled. If the parties wish to have a settlement conference, one will be scheduled at the final pretrial conference or at an earlier time upon request of the parties.

OBJECTIONS TO STATUS (PRETRIAL SCHEDULING) ORDER

This Status Order will become final without further Order of Court unless objection is lodged within seven (7) days of the date of the filing of this Order.

IT IS SO ORDERED.

Dated: January 30, 2009

/s/ John A. Mendez  
HON. JOHN A. MENDEZ  
United States District Judge