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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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JOHN WEKENBORG,

Plaintiff,

v.

NO. CIV. 09-14 WBS KJM

NCO FINANCIAL SYSTEMS, INC.,

Defendant.

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STATUS (PRETRIAL SCHEDULING) ORDER

After reviewing the parties' Joint Status Report, **the court hereby vacates the Status (Pretrial Scheduling) Conference scheduled for April 20, 2009**, and makes the following findings and orders without needing to consult with the parties any further.

I. SERVICE OF PROCESS

All named defendants have been served and no further service is permitted without leave of court, good cause having been shown under Federal Rule of Civil Procedure 16(b).

1 II. JOINDER OF PARTIES/AMENDMENTS

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

7 III. JURISDICTION/VENUE

8 Jurisdiction is predicated upon 42 U.S.C. § 1692k(d)
9 (Fair Debt Collection Practices Act). Venue is undisputed and is
10 hereby found to be proper.

11 IV. DISCOVERY

12 The parties have agreed to serve initial disclosures
13 required by Federal Rule of Civil Procedure 26(a)(1) by April 13,
14 2009. If they have not already done so, the parties shall serve
15 initial disclosures no later than April 27, 2009.

16 The parties shall disclose any experts and produce
17 reports in accordance with Federal Rule of Civil Procedure
18 26(a)(2) no later than July 24, 2009. With regard to expert
19 testimony intended solely for rebuttal, those experts shall be
20 disclosed and reports produced in accordance with Federal Rule of
21 Civil Procedure 26(a)(2) on or before September 25, 2009.

22 All discovery, including depositions for preservation
23 of testimony, is left open, save and except that it shall be so
24 conducted as to be completed by November 6, 2009. The word
25 "completed" means that all discovery shall have been conducted so
26 that all depositions have been taken and any disputes relevant to
27 discovery shall have been resolved by appropriate order if
28 necessary and, where discovery has been ordered, the order has

1 been obeyed. All motions to compel discovery must be noticed on
2 the Magistrate Judge's calendar in accordance with the local
3 rules of this court and so that such motions may be heard (and
4 any resulting orders obeyed) no later than November 6, 2009.

5 V. MOTION HEARING SCHEDULE

6 All motions, except motions for continuances, temporary
7 restraining orders, or other emergency applications, shall be
8 filed on or before December 11, 2009. All motions shall be
9 noticed for the next available hearing date. Counsel are
10 cautioned to refer to the local rules regarding the requirements
11 for noticing and opposing such motions on the court's regularly
12 scheduled law and motion calendar.

13 VI. FINAL PRETRIAL CONFERENCE

14 The Final Pretrial Conference is set for February 8,
15 2010, at 2:00 p.m. in Courtroom No. 5. The conference shall be
16 attended by at least one of the attorneys who will conduct the
17 trial for each of the parties and by any unrepresented parties.

18 Counsel for all parties are to be fully prepared for
19 trial at the time of the Pretrial Conference, with no matters
20 remaining to be accomplished except production of witnesses for
21 oral testimony. Counsel shall file separate pretrial statements,
22 and are referred to Local Rules 16-281 and 16-282 relating to the
23 contents of and time for filing those statements. In addition to
24 those subjects listed in Local Rule 16-281(b), the parties are to
25 provide the court with: (1) a plain, concise statement that
26 identifies every non-discovery motion that has been made to the
27 court, and its resolution; (2) a list of the remaining claims as
28 against each defendant; and (3) the estimated number of trial

1 days.

2 In providing the plain, concise statements of
3 undisputed facts and disputed factual issues contemplated by
4 Local Rule 16-281(b)(3)-(4), the parties shall emphasize the
5 claims that remain at issue and any remaining affirmatively pled
6 defenses thereto. If the case is to be tried to a jury, the
7 parties shall also prepare a succinct statement of the case,
8 which is appropriate for the court to read to the jury.

9 VII. TRIAL SETTING

10 The jury trial is set for April 6, 2010, at 9:00 a.m.
11 The parties anticipate that a jury trial will last two court
12 days.

13 VIII. SETTLEMENT CONFERENCE

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

18 Counsel are instructed to have a principal with full
19 settlement authority present at the Settlement Conference or to
20 be fully authorized to settle the matter on any terms. At least
21 seven calendar days before the Settlement Conference, counsel for
22 each party shall submit a confidential Settlement Conference
23 Statement for review by the settlement judge. If the settlement
24 judge is not the trial judge, the Settlement Conference
25 Statements shall not be filed and will not otherwise be disclosed
26 to the trial judge.

27 IX. MODIFICATIONS TO SCHEDULING ORDER

28 Any requests to modify the dates or terms of this

1 Scheduling Order, except requests to change the date of the
2 trial, may be heard and decided by the assigned Magistrate Judge.
3 All requests to change the trial date shall be heard and decided
4 only by the undersigned judge.

5 DATED: April 16, 2009

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8 WILLIAM B. SHUBB
9 UNITED STATES DISTRICT JUDGE
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