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

STUART WELCH and  
PAULA WELCH,

Plaintiffs,

No. CIV S-09-0168 LKK DAD PS

vs.

COUNTRYWIDE HOME LOANS,  
et al.,

Defendants.

ORDER SETTING STATUS  
(PRETRIAL SCHEDULING)  
CONFERENCE

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This action has been assigned to United States District Judge Lawrence K. Karlton and has been referred to United States Magistrate Judge Dale A. Drozd pursuant to Local Rule 72-302(c)(21) for all purposes encompassed by that provision.<sup>1</sup>

Pursuant to the provisions of Rule 16 of the Federal Rules of Civil Procedure, IT IS ORDERED that:

1. A Status (Pretrial Scheduling) Conference is set for **Friday, May 15, 2009, at 11:00 a.m.**, in Courtroom No. 27, before Magistrate Judge Drozd.

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<sup>1</sup> Plaintiffs have been informed that the assigned Magistrate Judge is available to conduct all proceedings in this case. A consent form has been provided. A party may complete a consent form and return it to the court at any time. The judges handling the case will not be notified of the filing of consent forms unless all parties have filed consent forms.

1           2. Rule 4(m) of the Federal Rules of Civil Procedure provides that **an action may**  
2 **be dismissed against any defendant on whom service of process has not been completed**  
3 **within 120 days from the date the complaint was filed.** In order to comply with the 120-day  
4 time limits specified in Rules 4(m) and 16(b), **plaintiffs are strongly encouraged to complete**  
5 **service of process on each defendant within 90 days after the date of filing their complaint.**

6           3. Concurrently with service of process on each defendant, or as soon thereafter  
7 as possible, plaintiffs shall serve upon each defendant named in the complaint, and UPON ALL  
8 PARTIES SUBSEQUENTLY JOINED, INCLUDING IMPEADED THIRD-PARTY  
9 DEFENDANTS, a copy of this order, and plaintiffs shall promptly file with the Clerk of the  
10 Court a certificate reflecting such service.

11           4. Plaintiffs shall also serve on each defendant a copy of the Notice of  
12 Availability of Magistrate Judge and a copy of the consent form issued by the Clerk of the Court  
13 on January 20, 2009.

14           5. Each party shall appear at the Status Conference by counsel or, if proceeding in  
15 propria persona, on his or her own behalf. A party proceeding in propria persona cannot  
16 represent any other party proceeding in propria persona. Parties may choose to appear in person  
17 or telephonically. To arrange telephonic appearance, the party shall contact Pete Buzo, the  
18 courtroom deputy of the undersigned magistrate judge, at (916) 930-4128, no later than 48 hours  
19 before the Status (Pretrial Scheduling) Conference.

20           6. Plaintiffs shall file and serve a joint status report, signed by both plaintiffs, on  
21 or before **May 1, 2009**. Each defendant shall file and serve a status report on or before **May 8,**  
22 **2009**. Each status report shall address all of the following matters:

- 23           a. Progress of service of process;
- 24           b. Possible joinder of additional parties;
- 25           c. Any expected or desired amendment of the
- 26           pleadings;

- 1 d. Jurisdiction and venue;
- 2 e. Anticipated motions and the scheduling thereof;
- 3 f. Anticipated discovery and the scheduling thereof,  
4 including disclosure of expert witnesses;
- 5 g. Future proceedings, including the setting of  
6 appropriate cut-off dates for discovery and for law  
7 and motion, and the scheduling of a final pretrial  
8 conference and trial;
- 9 h. Modification of standard pretrial procedures  
10 specified by the rules due to the relative simplicity  
11 or complexity of the action;
- 12 i. Whether the case is related to any other case,  
13 including matters in bankruptcy;
- 14 j. Whether the parties will stipulate to the assigned  
15 magistrate judge acting as settlement judge, waiving  
16 any disqualification by virtue of his so acting, or  
17 whether they prefer to have a Settlement Conference  
18 before another magistrate judge;
- 19 k. Whether the parties intend to consent to proceed  
20 before a United States Magistrate Judge; and
- 21 l. Any other matters that may aid in the just and  
22 expeditious disposition of this action.

23 7. The pro se plaintiffs are cautioned that the failure to file a timely status report  
24 or the failure to appear at the status conference, either in person or telephonically, may result in a  
25 recommendation that this case be dismissed for lack of prosecution and as a sanction for failure  
26 to comply with court orders and applicable rules. See Local Rules 11-110 and 83-183.

DATED: January 21, 2009.

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24 DALE A. DROZD  
25 UNITED STATES MAGISTRATE JUDGE

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