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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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DRAKE S. JONES,

Plaintiff,

v.

NO. CIV. 09-1025 WBS DAD

COUNTY OF SACRAMENTO; JOHN
MCGINNESS, individually and in
his official capacity as
Sheriff of the Sacramento
County Sheriff's Department;
Sacramento County Main Jail
Commander ERIC MANESS;
Sacramento County Sheriff's
Department Chief of
Correctional and Court
Services JAMIE LEWIS;
Sacramento Sheriff's
Department Deputy CHRIS CONRAD
(Badge #1202); and DOES 1 to
20,

Defendants.

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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 August 10, 2009, and makes the following findings

1 and orders without needing to consult with the parties any
2 further.

3 I. SERVICE OF PROCESS

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

7 II. JOINDER OF PARTIES/AMENDMENTS

8 Because "Doe" defendants are disfavored in the Ninth
9 Circuit, Gillespie v. Civiletti, 629 F.2d 637, 642 (9th Cir.
10 1980) (citing Wiltsie v. Cal. Dep't of Corrections, 406 F.2d 515,
11 518 (9th Cir. 1968)), the court will reject plaintiff's request
12 to add additional defendants without leave of court until October
13 1, 2009. No further amendments to pleadings or joinder of
14 parties will be permitted except with leave of court, good cause
15 having been shown under Federal Rule of Civil Procedure 16(b).
16 See Johnson v. Mammoth Recreations, Inc., 975 F.2d 604 (9th Cir.
17 1992).

18 III. JURISDICTION/VENUE

19 Jurisdiction is predicated upon 42 U.S.C. § 1983 (Civil
20 Rights). Supplemental jurisdiction is predicated upon 28 U.S.C.
21 § 1367. Venue is undisputed and is hereby found to be proper.

22 IV. DISCOVERY

23 The parties shall serve initial disclosures required by
24 Federal Rule of Civil Procedure 26(a)(1) no later than September
25 11, 2009.

26 The parties shall disclose any experts and produce
27 reports in accordance with Federal Rule of Civil Procedure
28 26(a)(2) no later than January 15, 2010. With regard to expert

1 testimony intended solely for rebuttal, those experts shall be
2 disclosed and reports produced in accordance with Federal Rule of
3 Civil Procedure 26(a)(2) on or before February 19, 2010.

4 All discovery, including depositions for preservation
5 of testimony, is left open, save and except that it shall be so
6 conducted as to be completed by April 2, 2010. The word
7 "completed" means that all discovery shall have been conducted so
8 that all depositions have been taken and any disputes relevant to
9 discovery shall have been resolved by appropriate order if
10 necessary and, where discovery has been ordered, the order has
11 been obeyed. All motions to compel discovery must be noticed on
12 the Magistrate Judge's calendar in accordance with the local
13 rules of this court and so that such motions may be heard (and
14 any resulting orders obeyed) no later than April 2, 2010.

15 V. MOTION HEARING SCHEDULE

16 All motions, except motions for continuances, temporary
17 restraining orders, or other emergency applications, shall be
18 filed on or before May 21, 2010. All motions shall be noticed
19 for the next available hearing date. Counsel are cautioned to
20 refer to the local rules regarding the requirements for noticing
21 and opposing such motions on the court's regularly scheduled law
22 and motion calendar.

23 VI. FINAL PRETRIAL CONFERENCE

24 The Final Pretrial Conference is set for August 9,
25 2010, at 2:00 p.m. in Courtroom No. 5. The conference shall be
26 attended by at least one of the attorneys who will conduct the
27 trial for each of the parties and by any unrepresented parties.

28 Counsel for all parties are to be fully prepared for

1 trial at the time of the Pretrial Conference, with no matters
2 remaining to be accomplished except production of witnesses for
3 oral testimony. Counsel shall file separate pretrial statements,
4 and are referred to Local Rules 16-281 and 16-282 relating to the
5 contents of and time for filing those statements. In addition to
6 those subjects listed in Local Rule 16-281(b), the parties are to
7 provide the court with: (1) a plain, concise statement that
8 identifies every non-discovery motion that has been made to the
9 court, and its resolution; (2) a list of the remaining claims as
10 against each defendant; and (3) the estimated number of trial
11 days.

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

19 VII. TRIAL SETTING

20 The jury trial is set for October 13, 2010, at 9:00
21 a.m. Plaintiff anticipates that a jury trial will last three to
22 four days. Defendants estimate that a trial will last three to
23 seven days.

24 VIII. SETTLEMENT CONFERENCE

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

1 Counsel are instructed to have a principal with full
2 settlement authority present at the Settlement Conference or to
3 be fully authorized to settle the matter on any terms. At least
4 seven calendar days before the Settlement Conference, counsel for
5 each party shall submit a confidential Settlement Conference
6 Statement for review by the settlement judge. If the settlement
7 judge is not the trial judge, the Settlement Conference
8 Statements shall not be filed and will not otherwise be disclosed
9 to the trial judge.

10 IX. MODIFICATIONS TO SCHEDULING ORDER

11 Any requests to modify the dates or terms of this
12 Scheduling Order, except requests to change the date of the
13 trial, may be heard and decided by the assigned Magistrate Judge.
14 All requests to change the trial date shall be heard and decided
15 only by the undersigned judge.

16 DATED: August 5, 2009

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19 WILLIAM B. SHUBB
20 UNITED STATES DISTRICT JUDGE
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