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

MATTHEW SARAD and
NELLI SARAD,

Plaintiffs,

No. CIV S-09-1080 FCD DAD PS

vs.

OPTION ONE MORTGAGE, et al.,

ORDER SETTING STATUS
(PRETRIAL SCHEDULING)
CONFERENCE

Defendants.

_____ /

This action has been assigned to United States District Judge Frank C. Damrell, Jr., 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.¹

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, September 4, 2009, at 11:00 a.m.**, in Courtroom No. 27, before Magistrate Judge Drozd.

¹ Plaintiffs have been informed that, if all parties consent, the assigned Magistrate Judge is available to conduct all proceedings in this case. A consent form has been provided to plaintiffs. A party choosing to consent may complete a consent form and return it to the Clerk of the Court at any time. Neither the magistrate judge nor the district judge handling the case will be notified of the filing of a consent form, unless all parties in the case 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 within
3 120 days from the date the complaint was filed. In order to comply with the 120-day time limits
4 specified in Rules 4(m) and 16(b), plaintiffs are strongly encouraged to complete service of
5 process on each defendant within 90 days of the date of filing the 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 IMPLEADED THIRD-PARTY
9 DEFENDANTS, a copy of this order, and plaintiffs shall promptly file with the Clerk of the
10 Court a return of service for each defendant.

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 served by the Clerk of the Court
13 on July 2, 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 pro se cannot appear on behalf of
16 any other party proceeding pro se.

17 6. Parties may choose to appear at the Status Conference in person or
18 telephonically. To arrange telephonic appearance, the party shall contact Pete Buzo, the
19 courtroom deputy of the undersigned magistrate judge, at (916) 930-4128, no later than 48 hours
20 before the Status (Pretrial Scheduling) Conference.

21 7. Plaintiffs shall file and serve a joint status report, signed by both plaintiffs, on
22 or before **August 21, 2009**, and defendants shall file and serve status reports on or before **August**
23 **28, 2009**. Each status report shall address all of the following matters:

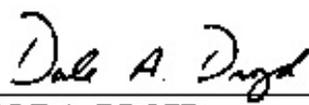
- 24 a. Progress of service of process;
- 25 b. Possible joinder of additional parties;

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

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

DATED: July 6, 2009.

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25 _____
26 DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

DAD:kw
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