

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY LEGGETT, MICHAEL
BORTON, LESANN DORFLER,
AIMEE UHLER, on behalf
of themselves and others
similarly situated,

NO. CIV. S-09-1253 LKK/KJM

Plaintiffs,

v.

COOPERATIVE PERSONNEL
SERVICES, d/b/a CPS HUMAN
RESOURCE SERVICES,

Defendants.

STATUS (PRETRIAL SCHEDULING) CONFERENCE

READ THIS ORDER CAREFULLY. IT CONTAINS IMPORTANT DATES WHICH
THE COURT WILL STRICTLY ENFORCE AND WITH WHICH ALL COUNSEL AND
PARTIES MUST COMPLY. A FAILURE TO COMPLY WITH THE TERMS OF THIS
ORDER MAY RESULT IN THE IMPOSITION OF MONETARY AND ALL OTHER
SANCTIONS WITHIN THE POWER OF THE COURT, INCLUDING DISMISSAL OR AN
ORDER OF JUDGMENT.

1 Pursuant to court order, a Status (Pretrial Scheduling)
2 Conference was held in chambers on August 10, 2009. Adel A. Nadji
3 and Kelly Swanson appeared as counsel for plaintiffs; Howard B.
4 Golds and Robb D. McFadden appeared as counsel for defendants.
5 After hearing, the court makes the following findings and orders:

6 **SERVICE OF PROCESS**

7 All parties defendant have been served and no further service
8 is permitted except with leave of court, good cause having been
9 shown.

10 **JOINDER OF PARTIES/AMENDMENTS**

11 The plaintiffs may continue to join by filing a notice
12 thereof.

13 **JURISDICTION/VENUE**

14 Jurisdiction is predicated upon 29 U.S.C. § 216(b) is
15 undisputed and is hereby found to be proper, as is venue.

16 **MISCELLANEOUS PROVISIONS**

17 The matter is referred to Magistrate Judge Kimberly J. Mueller
18 to hold a discovery conference. Magistrate Judge Mueller will set
19 a date and order such documents as she believes necessary, upon
20 completion of the conference. The parties are to request a further
21 status conference before this court.

22 The parties are reminded that pursuant to Fed. R. Civ. P.
23 16(b), the Status (pretrial scheduling) Order **shall not be modified**
24 **except by leave of court upon a showing of good cause.** Counsel are
25 cautioned that changes to any of the scheduled dates will
26 necessarily result in changes to all other dates. Thus, even where

1 good cause has been shown, the court will not grant a request to
2 change the discovery cutoff date without modifying the pretrial and
3 trial dates.

4 **Agreement by the parties pursuant to stipulation does not**
5 **constitute good cause. Nor does the unavailability of witnesses or**
6 **counsel, except in extraordinary circumstances, constitute good**
7 **cause.**

8 The parties are reminded of their continuing obligation to
9 supplement their statements relative to the identification of
10 parent corporations and any publicly held company that owns 10% or
11 more of the party's stock within a reasonable time of any change in
12 the information.


13 The parties are admonished that they are not to cite or refer
14 to any of the quotations inscribed in the pavers on the front plaza
15 of the United States Courthouse in any written or oral presentation
16 to the court or a jury.

17 There appear to be no other matters presently pending before
18 the court that will aid the just and expeditious disposition of
19 this matter.

20 IT IS SO ORDERED.

21 DATED: August 12, 2009.

22
23
24
25
26


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT