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

TERRI LYNNE TODD,

CIV. S-09-1509 JAM GGH

Plaintiff,

v.

STATUS (Pre-trial
Scheduling) ORDER

STRYKER CORPORATION, a Michigan
Corporation, et al
Defendants.

_____ /

After review of the Joint Status Report, the court
makes the following order:

SERVICE OF PROCESS

All parties defendant to this lawsuit have been served and
no further service will be permitted except with leave of court,
good cause having been shown.

JOINDER OF ADDITIONAL PARTIES/AMENDMENTS

No further joinder of parties or amendments to pleadings is
permitted except with leave of court, good cause having been
shown.

1 the failure to file the appropriate pre-trial motion.

2 **Unless prior permission has been granted, memoranda of law**
3 **in support of and in opposition to motions are limited to twenty-**
4 **five (25) pages, and reply memoranda are limited to ten (10)**
5 **pages. The parties are also cautioned against filing multiple**
6 **briefs to circumvent this rule.**

7 DISCOVERY

8 All discovery shall be completed by January 18, 2011. In
9 this context, "completed" means that all discovery shall have
10 been conducted so that all depositions have been taken and any
11 disputes relative to discovery shall have been resolved by
12 appropriate order if necessary and, where discovery has been
13 ordered, the order has been complied with.

14 DISCLOSURE OF EXPERT WITNESSES

15 The plaintiff shall make expert witness disclosures under
16 Fed. R. Civ. P. 26(a)(2) by September 16, 2010. Defendants shall
17 make expert witness disclosures under Fed. R. Civ. P. 26(a)(2) by
18 October 15, 2010. Supplemental disclosure and disclosure of any
19 rebuttal experts under Fed. R. Civ. P. 26(a)(2)(c) shall be made
20 by November 16, 2011.

21 Failure of a party to comply with the disclosure schedule as
22 set forth above in all likelihood will preclude that party from
23 calling the expert witness at the time of trial absent a showing
24 that the necessity for the witness could not have been reasonably
25 anticipated at the time the disclosures were ordered and that the
26 failure to make timely disclosure did not prejudice any other

1 party. See Fed. R. Civ. P. 37(c).

2 All experts designated are to be fully prepared at the time
3 of designation to render an informed opinion, and give their
4 reasons therefore, so that they will be able to give full and
5 complete testimony at any deposition taken by the opposing
6 parties. Experts will not be permitted to testify at the trial
7 as to any information gathered or evaluated, or opinion formed,
8 after deposition taken subsequent to designation.

9 JOINT MID-LITIGATION STATEMENTS

10 Not later than fourteen (14) days prior to the close of
11 discovery, the parties shall file with the court a brief joint
12 statement summarizing all law and motion practice heard by the
13 court as of the date of the filing of the statement, whether the
14 court has disposed of the motion at the time the statement is
15 filed and served, and the likelihood that any further motions
16 will be noticed prior to the close of law and motion. The filing
17 of this statement shall not relieve the parties or counsel of
18 their obligation to timely notice all appropriate motions as set
19 forth above.

20 FINAL PRE-TRIAL CONFERENCE

21 The final pre-trial conference is set for May 20, 2011 at
22 2:00 p.m. In each instance an attorney who will try the case for
23 a given party shall attend the final pretrial conference on
24 behalf of that party; provided, however, that if by reason of
25 illness or other unavoidable circumstance the trial attorney is
26 unable to attend, the attorney who attends in place of the trial

1 attorney shall have equal familiarity with the case and equal
2 authorization to make commitments on behalf of the client. All
3 pro se parties must attend the pre-trial conference.

4 Counsel for all parties and all pro se parties are to be
5 fully prepared for trial at the time of the pre-trial conference,
6 with no matters remaining to be accomplished except production of
7 witnesses for oral testimony. The parties shall file with the
8 court, no later than seven days prior to the final pre-trial
9 conference, a joint pre-trial statement.

10 **Also at the time of filing the Joint Pretrial Statement, counsel**
11 **are requested to e-mail the Joint Pretrial Statement in WPD or**
12 **Word format to Judge Mendez's assistant, Jane Pratt**
13 **at: jpratt@caed.uscourts.gov.**

14 Where the parties are unable to agree as to what legal or
15 factual issues are properly before the court for trial, they
16 should nevertheless list all issues asserted by any of the
17 parties and indicate by appropriate footnotes the disputes
18 concerning such issues. The provisions of Local Rule 16-281
19 shall, however, apply with respect to the matters to be included
20 in the joint pre-trial statement. Failure to comply with Local
21 Rule 16-281, as modified herein, may be grounds for sanctions.

22 The parties are reminded that pursuant to Local Rule
23 16-281(b)(10) and (11) they are required to list in the final
24 pre-trial statement all witnesses and exhibits they propose to
25 offer at trial, no matter for what purpose. These lists shall
26 not be contained in the body of the final pre-trial statement

1 itself, but shall be attached as separate documents so that the
2 court may attach them as an addendum to the final pre-trial
3 order. The final pre-trial order will contain a stringent
4 standard for the offering at trial of witnesses and exhibits not
5 listed in the final pre-trial order, and the parties are
6 cautioned that the standard will be strictly applied. On the
7 other hand, the listing of exhibits or witnesses that a party
8 does not intend to offer will be viewed as an abuse of the
9 court's processes.

10 The parties are also reminded that pursuant to Rule 16,
11 Fed. R. Civ. P., it will be their duty at the final pre-trial
12 conference to aid the court in: (a) formulation and
13 simplification of issues and the elimination of frivolous claims
14 or defenses; (b) settling of facts which should properly be
15 admitted; and (c) the avoidance of unnecessary proof and
16 cumulative evidence. Counsel must cooperatively prepare the
17 joint pre-trial statement and participate in good faith at the
18 final pre-trial conference with these aims in mind. A failure to
19 do so may result in the imposition of sanctions which may include
20 monetary sanctions, orders precluding proof, elimination of
21 claims or defenses, or such other sanctions as the court deems
22 appropriate.

23 TRIAL SETTING

24 Jury trial in this matter is set for July 18, 2011 at
25 9:00 a.m. The parties estimate a trial length of approximately
26 10 days.

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SETTLEMENT CONFERENCE

No Settlement Conference is currently scheduled. If the parties wish to have a settlement conference, one will be scheduled at the final pretrial conference or at an earlier time upon request of the parties.

OBJECTIONS TO STATUS (PRETRIAL SCHEDULING) ORDER

This Status Order will become final without further Order of Court unless objection is lodged within seven (7) days of the date of the filing of this Order.

IT IS SO ORDERED.

Dated: September 9, 2009

/s/ John A. Mendez
JOHN A. MENDEZ
United States District Judge