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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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CARMELO ANTHONY, MELO
ENTERPRISES, INC., and CHOSEN
ONE PROPERTIES, LLC,

NO. CIV. 2:09-2272 WBS KJM

Plaintiffs,

v.

LARRY HARMON aka LARRY W. HARMON
aka LAWRENCE HARMON, HARMON &
ASSOCIATES, P.A., HARMON-
CASTILLO, LLP, FRANK CASTILLO,
KELLY RUNKLE, SORA BARNES, KENNY
CRUZ aka KENNETH CRUZ, KC
DEVELOPMENT, LLC, VITALIS
PARTNERS, LLC, PROFESSIONAL
PARTNERS, LLC, and MCG PARTNERS,

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 January 11, 2010.

1 I. SERVICE OF PROCESS

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

5 II. JOINDER OF PARTIES/AMENDMENTS

6 Pursuant to the stipulation and order signed on
7 December 24, 2009, plaintiffs have until the end of the day
8 today, January 8, 2010, to file an amended complaint in light of
9 the court's grant of defendants' motion to dismiss. Plaintiffs
10 further request permission to amend their pleadings at any point
11 before December 31, 2010 to add potential new issues and parties;
12 defendants propose that plaintiffs be given until June 30, 2010
13 to amend their pleadings and add potential new parties. The time
14 suggested by both parties is excessive and does not require the
15 parties to exercise diligence to determine whether amendments or
16 joinder of new parties will be necessary. Therefore, no further
17 joinder of parties or amendments to pleadings will be permitted
18 except with leave of court, good cause having been shown under
19 Federal Rule of Civil Procedure 16(b). See Johnson v. Mammoth
20 Recreations, Inc., 975 F.2d 604 (9th Cir. 1992).

21 III. JURISDICTION/VENUE

22 Jurisdiction is predicated upon diversity of
23 citizenship, 28 U.S.C. § 1332. Venue is undisputed and is hereby
24 found to be proper.

25 IV. DISCOVERY

26 The parties indicate that they have served the initial
27 disclosures required by Federal Rule of Civil Procedure 26(a)(1).
28 Any remaining initial disclosures shall be made by no later than

1 January 15, 2010.

2 Plaintiff Carmelo Anthony's deposition may be taken
3 only between July 1, 2010 and September 31, 2010, provided that
4 he makes himself available for the entirety of his deposition
5 during that period and with the exception that his deposition may
6 be taken at any such time before July 1, 2010 that the Denver
7 Nuggets may be eliminated from the play-offs.

8 The parties shall disclose experts and produce reports
9 in accordance with Federal Rule of Civil Procedure 26(a)(2) by no
10 later than October 15, 2010. With regard to expert testimony
11 intended solely for rebuttal, those experts shall be disclosed
12 and reports produced in accordance with Federal Rule of Civil
13 Procedure 26(a)(2) on or before November 15, 2010.

14 All discovery, including depositions for preservation
15 of testimony, is left open, save and except that it shall be so
16 conducted as to be completed by January 10, 2011. The word
17 "completed" means that all discovery shall have been conducted so
18 that all depositions have been taken and any disputes relevant to
19 discovery shall have been resolved by appropriate order if
20 necessary and, where discovery has been ordered, the order has
21 been obeyed. All motions to compel discovery must be noticed on
22 the magistrate judge's calendar in accordance with the local
23 rules of this court and so that such motions may be heard (and
24 any resulting orders obeyed) not later than January 10, 2011.

25 V. MOTION HEARING SCHEDULE

26 All motions, except motions for continuances, temporary
27 restraining orders, or other emergency applications, shall be
28 filed on or before March 7, 2011. All motions shall be noticed

1 for the next available hearing date. Counsel are cautioned to
2 refer to the local rules regarding the requirements for noticing
3 and opposing such motions on the court's regularly scheduled law
4 and motion calendar.

5 VI. FINAL PRETRIAL CONFERENCE

6 The Final Pretrial Conference is set for May 16, 2011,
7 at 2:00 p.m. in Courtroom No. 5. The conference shall be
8 attended by at least one of the attorneys who will conduct the
9 trial for each of the parties and by any unrepresented parties.

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

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

1 VII. TRIAL SETTING

2 The jury trial is set for July 26, 2011, at 9:00 a.m.
3 The parties have demanded a jury trial, and plaintiffs estimate
4 that the trial will last seven court days and defendants estimate
5 that the trial will last fourteen court days.

6 VIII. SETTLEMENT CONFERENCE


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

11 Counsel are instructed to have a principal with full
12 settlement authority present at the Settlement Conference or to
13 be fully authorized to settle the matter on any terms. At least
14 seven calendar days before the Settlement Conference counsel for
15 each party shall submit a confidential Settlement Conference
16 Statement for review by the settlement judge. If the settlement
17 judge is not the trial judge, the Settlement Conference
18 Statements shall not be filed and will not otherwise be disclosed
19 to the trial judge.

20 IX. MODIFICATIONS TO SCHEDULING ORDER

21 Any requests to modify the dates or terms of this
22 Scheduling Order, except requests to change the date of the
23 trial, may be heard and decided by the assigned Magistrate Judge.
24 All requests to change the trial date shall be heard and decided
25 only by the undersigned judge.

26 DATED: January 8, 2010

27 
28 WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE