

1 No further joinder of parties or amendments to
2 pleadings will be permitted except with leave of court, good
3 cause having been shown under Federal Rule of Civil Procedure
4 16(b). See Johnson v. Mammoth Recreations, Inc., 975 F.2d 604
5 (9th Cir. 1992).

6 III. JURISDICTION/VENUE

7 Jurisdiction is predicated upon federal question
8 jurisdiction, 28 U.S.C. § 1331, because plaintiff's claims arise
9 under the Americans with Disabilities Act of 1990, 42 U.S.C. §§
10 12101-12183. Venue is undisputed and is hereby found to be
11 proper.

12 IV. DISCOVERY

13 The parties shall serve the initial disclosures
14 required by Federal Rule of Civil Procedure 26(a)(1) by no later
15 than July 12, 2010.

16 The parties shall disclose experts and produce reports
17 in accordance with Federal Rule of Civil Procedure 26(a)(2) by no
18 later than August 9, 2010 With regard to expert testimony
19 intended solely for rebuttal, those experts shall be disclosed
20 and reports produced in accordance with Federal Rule of Civil
21 Procedure 26(a)(2) on or before August 30, 2010.

22 All discovery, including depositions for preservation
23 of testimony, is left open, save and except that it shall be so
24 conducted as to be completed by September 13, 2010. The word
25 "completed" means that all discovery shall have been conducted so
26 that all depositions have been taken and any disputes relevant to
27 discovery shall have been resolved by appropriate order if
28 necessary and, where discovery has been ordered, the order has

1 been obeyed. All motions to compel discovery must be noticed on
2 the magistrate judge's calendar in accordance with the local
3 rules of this court and so that such motions may be heard (and
4 any resulting orders obeyed) not later than September 13, 2010.

5 V. MOTION HEARING SCHEDULE

6 All motions, except motions for continuances, temporary
7 restraining orders, or other emergency applications, shall be
8 filed on or before October 25, 2010. All motions shall be
9 noticed for the next available hearing date. Counsel are
10 cautioned to refer to the local rules regarding the requirements
11 for noticing and opposing such motions on the court's regularly
12 scheduled law and motion calendar.

13 VI. FINAL PRETRIAL CONFERENCE

14 The Final Pretrial Conference is set for January 10,
15 2011, at 2:00 p.m. in Courtroom No. 5. The conference shall be
16 attended by at least one of the attorneys who will conduct the
17 trial for each of the parties and by any unrepresented parties.

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

1 days.

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

9 VII. TRIAL SETTING

10 The jury trial is set for March 8, 2011 at 9:00 a.m.
11 The parties estimate that a bench trial will last three days and
12 a jury trial will last four days.

13 VIII. SETTLEMENT CONFERENCE & VDRP

14 The parties have expressed an interest in pursuing the
15 Voluntary Dispute Resolution Program, which they may pursue
16 pursuant to Eastern District Local Rule 16-271(c)(3).

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

21 Counsel are instructed to have a principal with full
22 settlement authority present at the Settlement Conference or to
23 be fully authorized to settle the matter on any terms. At least
24 seven calendar days before the Settlement Conference counsel for
25 each party shall submit a confidential Settlement Conference
26 Statement for review by the settlement judge. If the settlement
27 judge is not the trial judge, the Settlement Conference
28 Statements shall not be filed and will not otherwise be disclosed

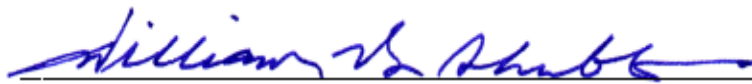
1 to the trial judge.

2 IX. MODIFICATIONS TO SCHEDULING ORDER

3 Any requests to modify the dates or terms of this
4 Scheduling Order, except requests to change the date of the
5 trial, may be heard and decided by the assigned Magistrate Judge.
6 All requests to change the trial date shall be heard and decided
7 only by the undersigned judge.

8 DATED: June 9, 2010

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10 WILLIAM B. SHUBB
11 UNITED STATES DISTRICT JUDGE
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