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

JACOB WINDING,

Plaintiff,

No. CIV S-09-3526 FCD DAD PS

vs.

ALLSTATE INSURANCE
COMPANY, et al.,

Defendants.

ORDER SETTING STATUS
(PRETRIAL SCHEDULING)
CONFERENCE

_____/

Plaintiff is proceeding pro se with a civil action for breach of contract, fraud, and insurer bad faith. On December 21, 2009, the action was removed from the San Joaquin County Superior Court by defendant Allstate Insurance Company. Jurisdiction is predicated on diversity of citizenship. The 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 302(c)(21) for all purposes encompassed by that provision.

The parties are informed that they may, if all parties consent, proceed before the United States Magistrate Judge for all purposes while preserving their right to appeal to the Ninth Circuit Court of Appeals. An appropriate form for consent has been provided to defendant, who will be directed to provide a copy to plaintiff. Any party choosing to consent may complete the form and return it to the Clerk of the Court at any time. Neither the magistrate judge nor the

1 district judge handling the case will be notified of the filing of a consent form unless and until all
2 parties to the action have filed consent forms.

3 Defendant has filed an answer to plaintiff's first amended complaint. Pursuant to
4 the provisions of Rule 16 of the Federal Rules of Civil Procedure, IT IS ORDERED that:

5 1. A Status (Pretrial Scheduling) Conference is set for **March 12, 2010, at 11:00**
6 **a.m.**, in Courtroom No. 27, before Magistrate Judge Dale A. Drozd.

7 2. Each party shall appear at the Status Conference either by counsel or, if
8 proceeding in propria persona, on his or her own behalf. A party may appear at the conference
9 either in person or telephonically. To arrange telephonic appearance, the party shall contact Pete
10 Buzo, the courtroom deputy of the undersigned magistrate judge, at (916) 930-4128 no later than
11 48 hours before the Status (Pretrial Scheduling) Conference.

12 3. Plaintiff shall file and serve a status report on or before **February 26, 2010**,
13 and defendant shall file and serve a status report on or before **March 5, 2010**. Each status report
14 shall address each of the following matters:

- 15 a. Progress of service of process;
- 16 b. Possible joinder of additional parties;
- 17 c. Possible amendment of the pleadings;
- 18 d. Jurisdiction and venue;
- 19 e. Anticipated motions and the scheduling thereof;
- 20 f. Anticipated discovery and the scheduling thereof,
21 including disclosure of expert witnesses;
- 22 g. Future proceedings, including the setting of
23 appropriate cut-off dates for discovery and for law
24 and motion, and the scheduling of a final pretrial
25 conference and trial;
- 26 h. Modification of standard pretrial procedures
specified by the rules due to the relative simplicity
or complexity of the action;

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- 1 i. Whether the case is related to any other case,
2 including matters in bankruptcy;
- 3 j. Whether the parties will stipulate to the magistrate
4 judge assigned to this matter acting as settlement
5 judge, waiving any disqualification by virtue of his
6 so acting, or whether they prefer to have a
7 Settlement Conference before another magistrate
8 judge;
- 9 k. Whether the parties intend to consent to proceed
10 before a United States Magistrate Judge; and
- 11 l. Any other matters that may aid in the just and
12 expeditious disposition of this action.

13 4. Plaintiff is informed that failure to file a timely status report or failure to
14 appear at the status conference, either in person or telephonically, may result in a
15 recommendation that this case be dismissed for lack of prosecution and as a sanction for failure
16 to comply with court orders and applicable rules. See Local Rules 11-110 and 83-183.

17 5. Plaintiff is advised that Rule 4(m) of the Federal Rules of Civil Procedure
18 provides that a defendant may be dismissed if service of process is not accomplished on the
19 defendant within 120 days from the date the complaint was filed.

20 6. Defendant shall serve upon plaintiff copies of the Notice of Availability of a
21 Magistrate Judge and the attached form issued by the Clerk of the Court on December 22, 2009,
22 and shall file a certificate of service.

23 DATED: December 28, 2009.

24 
25 _____
26 DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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