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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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ROBERT L. JEWETT, NO. CIV. 2:10-556 WBS KJN  
Plaintiff,

v.

CITY OF SACRAMENTO FIRE  
DEPARTMENT, B. COOK, R.  
COPLEN, J. ARROYO, and DOES  
1 through 20,  
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 September 7, 2010.

I. SERVICE OF PROCESS

Only defendant City of Sacramento Fire Department has been served. On August 12, 2010, the court granted the Fire Department's motion to dismiss plaintiff's claim under 28 U.S.C.

1 § 1983 against the Fire Department. (Docket No. 18.) Only  
2 plaintiff's state law claims remain against the Fire Department,  
3 and plaintiff's § 1983 claim is solely alleged against the  
4 individual defendants.

5 Plaintiff shall complete service upon B. Cook, R.  
6 Coplen, and J. Arroyo no later than thirty (30) days from the  
7 date of this Order. In the event that plaintiff fails to serve  
8 these defendants the court may dismiss this action for lack of  
9 subject matter jurisdiction. Other than service of Cook, Coplen,  
10 and Arroyo, no further service is permitted without leave of  
11 court, good cause having been shown under Federal Rule of Civil  
12 Procedure 16(b).

13 II. JOINER OF PARTIES/AMENDMENTS

14 No further joinder of parties or amendments to  
15 pleadings will be permitted except with leave of court, good  
16 cause having been shown under Federal Rule of Civil Procedure  
17 16(b). See Johnson v. Mammoth Recreations, Inc., 975 F.2d 604  
18 (9th Cir. 1992).

19 III. JURISDICTION/VENUE

20 Jurisdiction is predicated upon federal question  
21 jurisdiction, 28 U.S.C. § 1331, based on plaintiff's claim for  
22 violations of his civil rights under 28 U.S.C. § 1983. Venue is  
23 undisputed and is hereby found to be proper.

24 IV. DISCOVERY

25 The parties shall serve the initial disclosures  
26 required by Federal Rule of Civil Procedure 26(a)(1) no later  
27 than October 4, 2010.

28 The parties shall disclose experts and produce reports

1 in accordance with Federal Rule of Civil Procedure 26(a)(2) by no  
2 later than March 14, 2011. With regard to expert testimony  
3 intended solely for rebuttal, those experts shall be disclosed  
4 and reports produced in accordance with Federal Rule of Civil  
5 Procedure 26(a)(2) on or before April 18, 2011.

6 All discovery, including depositions for preservation  
7 of testimony, is left open, save and except that it shall be so  
8 conducted as to be completed by June 6, 2011. The word  
9 "completed" means that all discovery shall have been conducted so  
10 that all depositions have been taken and any disputes relevant to  
11 discovery shall have been resolved by appropriate order if  
12 necessary and, where discovery has been ordered, the order has  
13 been obeyed. All motions to compel discovery must be noticed on  
14 the magistrate judge's calendar in accordance with the local  
15 rules of this court and so that such motions may be heard (and  
16 any resulting orders obeyed) not later than June 6, 2011.

17 V. MOTION HEARING SCHEDULE

18 All motions, except motions for continuances, temporary  
19 restraining orders, or other emergency applications, shall be  
20 filed on or before July 25, 2011. All motions shall be noticed  
21 for the next available hearing date. Counsel are cautioned to  
22 refer to the local rules regarding the requirements for noticing  
23 and opposing such motions on the court's regularly scheduled law  
24 and motion calendar.

25 VI. FINAL PRETRIAL CONFERENCE

26 The Final Pretrial Conference is set for October 17,  
27 2011, at 2:00 p.m. in Courtroom No. 5. The conference shall be  
28 attended by at least one of the attorneys who will conduct the

1 trial for each of the parties and by any unrepresented parties.

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

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

21 VII. TRIAL SETTING

22 The trial is set for December 28, 2011, at 9:00 a.m.  
23 The parties estimate that the trial will last five days.

24 VIII. SETTLEMENT CONFERENCE

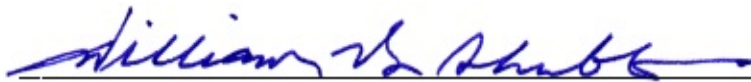
25 A Settlement Conference will be set at the time of the  
26 Pretrial Conference. All parties should be prepared to advise  
27 the court whether they will stipulate to the trial judge acting  
28 as settlement judge and waive disqualification by virtue thereof.

1 Counsel are instructed to have a principal with full  
2 settlement authority present at the Settlement Conference or to  
3 be fully authorized to settle the matter on any terms. At least  
4 seven calendar days before the Settlement Conference counsel for  
5 each party shall submit a confidential Settlement Conference  
6 Statement for review by the settlement judge. If the settlement  
7 judge is not the trial judge, the Settlement Conference  
8 Statements shall not be filed and will not otherwise be disclosed  
9 to the trial judge.

10 IX. MODIFICATIONS TO SCHEDULING ORDER

11 Any requests to modify the dates or terms of this  
12 Scheduling Order, except requests to change the date of the  
13 trial, may be heard and decided by the assigned Magistrate Judge.  
14 All requests to change the trial date shall be heard and decided  
15 only by the undersigned judge.

16 DATED: September 2, 2010

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18 WILLIAM B. SHUBB  
19 UNITED STATES DISTRICT JUDGE  
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