

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

-----oo0oo-----

SHAUNTAE EDWARDS,  
Plaintiff,  
v.

NO. CIV. 2:10-1250 WBS KJN

NIKE RETAIL SERVICES, INC.; RYAN  
TAYLOR; and DOES 1 through 100,  
inclusive,  
Defendants.

\_\_\_\_\_ /

-----oo0oo-----

STATUS (PRETRIAL SCHEDULING) ORDER

After reviewing the parties' Joint Status Report, the court hereby vacates the Status (Pretrial Scheduling) Conference scheduled for November 15, 2010.

I. SERVICE OF PROCESS

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

1  
2           II. JOINDER OF PARTIES/AMENDMENTS

3           No further joinder of parties or amendments to  
4 pleadings will be permitted except with leave of court, good  
5 cause having been shown under Federal Rule of Civil Procedure  
6 16(b). See Johnson v. Mammoth Recreations, Inc., 975 F.2d 604  
7 (9th Cir. 1992).

8           III. JURISDICTION/VENUE

9           Jurisdiction is predicated upon diversity of  
10 citizenship, 28 U.S.C. § 1332. Venue is undisputed and is hereby  
11 found to be proper.

12           IV. DISCOVERY

13           The parties agreed to serve the initial disclosures  
14 required by Federal Rule of Civil Procedure 26(a)(1) on or before  
15 September 8, 2010. If the parties have not already served  
16 initial disclosures, they shall do so by November 22, 2010.

17           The parties shall disclose experts and produce reports  
18 in accordance with Federal Rule of Civil Procedure 26(a)(2) by no  
19 later than June 1, 2011. With regard to expert testimony  
20 intended solely for rebuttal, those experts shall be disclosed  
21 and reports produced in accordance with Federal Rule of Civil  
22 Procedure 26(a)(2) on or before July 1, 2011.

23           All discovery, including depositions for preservation  
24 of testimony, is left open, save and except that it shall be so  
25 conducted as to be completed by August 1, 2011. The word  
26 "completed" means that all discovery shall have been conducted so  
27 that all depositions have been taken and any disputes relevant to  
28 discovery shall have been resolved by appropriate order if

1 necessary and, where discovery has been ordered, the order has  
2 been obeyed. All motions to compel discovery must be noticed on  
3 the magistrate judge's calendar in accordance with the local  
4 rules of this court and so that such motions may be heard (and  
5 any resulting orders obeyed) not later than August 1, 2011.

6 V. MOTION HEARING SCHEDULE

7 All motions, except motions for continuances, temporary  
8 restraining orders, or other emergency applications, shall be  
9 filed on or before October 3, 2011. All motions shall be noticed  
10 for the next available hearing date. Counsel are cautioned to  
11 refer to the local rules regarding the requirements for noticing  
12 and opposing such motions on the court's regularly scheduled law  
13 and motion calendar.

14 VI. FINAL PRETRIAL CONFERENCE

15 The Final Pretrial Conference is set for December 12,  
16 2011, at 2:00 p.m. in Courtroom No. 5. The conference shall be  
17 attended by at least one of the attorneys who will conduct the  
18 trial for each of the parties and by any unrepresented parties.

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

1 against each defendant; and (3) the estimated number of trial  
2 days.

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

10 VII. TRIAL SETTING

11 The jury trial is set for February 7, 2012, at 9:00  
12 a.m. The parties estimate that a jury trial will last five to  
13 seven court days.

14 VIII. SETTLEMENT CONFERENCE

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

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

28 IX. MODIFICATIONS TO SCHEDULING ORDER

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

6 DATED: November 3, 2010

7  
8 

9 WILLIAM B. SHUBB  
10 UNITED STATES DISTRICT JUDGE  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28