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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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THOMAS VIA,

NO. CIV. 2:10-3202 WBS DAD

Plaintiff,

v.

CITY OF FAIRFIELD, a municipal corporation; CADE BECKWITH, individually, and in his capacity as a police officer for the CITY OF FAIRFIELD; STEVE TROJANOWSKI, SR., individually, and in his official capacity as a police officer for the CITY OF FAIRFIELD; STEVE TROJANOWSKI, JR., individually, and in his official capacity as a police officer for the CITY OF FAIRFIELD; JIMMIE WILLIAMS, individually and in his official capacity as a police officer for the CITY OF FAIRFIELD; and, Fairfield police officers DOES 1-25, inclusive,

Defendants.

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STATUS (PRETRIAL SCHEDULING) ORDER

After reviewing the parties' Joint Status Report, the

1 court hereby vacates the Status (Pretrial Scheduling) Conference
2 scheduled for June 27, 2011.

3 I. SERVICE OF PROCESS

4 All named defendants have been served. No further
5 service will be permitted without leave of court, good cause
6 having been shown under Federal Rule of Civil Procedure 16(b).

7 II. JOINDER OF PARTIES/AMENDMENTS

8 On June 10, 2011, the court granted in part and denied
9 in part defendants' Motion to Dismiss, giving plaintiff leave to
10 amend his complaint within thirty days. (Docket No. 17.) After
11 plaintiff's thirty day window expires, no further joinder of
12 parties or amendments to pleadings will be permitted except with
13 leave of court, good cause having been shown under Federal Rule
14 of Civil Procedure 16(b). See Johnson v. Mammoth Recreations,
15 Inc., 975 F.2d 604 (9th Cir. 1992).

16 III. JURISDICTION/VENUE

17 Jurisdiction is predicated upon federal question
18 jurisdiction, 28 U.S.C. § 1331, because plaintiff has brought a
19 claim under 42 U.S.C. § 1983. Venue is undisputed and is hereby
20 found to be proper.

21 IV. DISCOVERY

22 The parties shall serve the initial disclosures
23 required by Federal Rule of Civil Procedure 26(a)(1) by no later
24 than July 6, 2011.

25 The parties shall disclose experts and produce reports
26 in accordance with Federal Rule of Civil Procedure 26(a)(2) by no
27 later than October 11, 2011. With regard to expert testimony
28 intended solely for rebuttal, those experts shall be disclosed

1 and reports produced in accordance with Federal Rule of Civil
2 Procedure 26(a)(2) on or before November 10, 2011.

3 All discovery, including depositions for preservation
4 of testimony, is left open, save and except that it shall be so
5 conducted as to be completed by February 13, 2012. The word
6 "completed" means that all discovery shall have been conducted so
7 that all depositions have been taken and any disputes relevant to
8 discovery shall have been resolved by appropriate order if
9 necessary and, where discovery has been ordered, the order has
10 been obeyed. All motions to compel discovery must be noticed on
11 the magistrate judge's calendar in accordance with the local
12 rules of this court and so that such motions may be heard (and
13 any resulting orders obeyed) not later than February 13, 2012.

14 V. MOTION HEARING SCHEDULE

15 All motions, except motions for continuances, temporary
16 restraining orders, or other emergency applications, shall be
17 filed on or before April 2, 2012. All motions shall be noticed
18 for the next available hearing date. Counsel are cautioned to
19 refer to the local rules regarding the requirements for noticing
20 and opposing such motions on the court's regularly scheduled law
21 and motion calendar.

22 VI. FINAL PRETRIAL CONFERENCE

23 The Final Pretrial Conference is set for July 9, 2012,
24 at 2:00 p.m. in Courtroom No. 5. The conference shall be
25 attended by at least one of the attorneys who will conduct the
26 trial for each of the parties and by any unrepresented parties.

27 Counsel for all parties are to be fully prepared for
28 trial at the time of the Pretrial Conference, with no matters

1 remaining to be accomplished except production of witnesses for
2 oral testimony. Counsel shall file separate pretrial statements,
3 and are referred to Local Rules 281 and 282 relating to the
4 contents of and time for filing those statements. In addition to
5 those subjects listed in Local Rule 281(b), the parties are to
6 provide the court with: (1) a plain, concise statement which
7 identifies every non-discovery motion which has been made to the
8 court, and its resolution; (2) a list of the remaining claims as
9 against each defendant; and (3) the estimated number of trial
10 days.

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

18 VII. TRIAL SETTING

19 The jury trial is set for September 11, 2012, at 9:00
20 a.m. The parties estimate that the trial will last four to six
21 court days.

22 VIII. SETTLEMENT CONFERENCE

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


27 Counsel are instructed to have a principal with full
28 settlement authority present at the Settlement Conference or to

1 be fully authorized to settle the matter on any terms. At least
2 seven calendar days before the Settlement Conference counsel for
3 each party shall submit a confidential Settlement Conference
4 Statement for review by the settlement judge. If the settlement
5 judge is not the trial judge, the Settlement Conference
6 Statements shall not be filed and will not otherwise be disclosed
7 to the trial judge.

8 IX. MODIFICATIONS TO SCHEDULING ORDER

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

14 DATED: June 22, 2011

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16 WILLIAM B. SHUBB
17 UNITED STATES DISTRICT JUDGE
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