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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

HARJEET KAUR,

No. 2:10-cv-03297-MCE-EFB

Plaintiff,

v.

PRETRIAL SCHEDULING ORDER

MICHAEL C. BRIGGS, et al.,

Defendants.

_____ /

After reviewing the parties' Joint Status Report, the Court makes the following Pretrial Scheduling Order.

I. SERVICE OF PROCESS

All named Defendants have been served and no further service is permitted without leave of court, good cause having been shown.

II. ADDITIONAL PARTIES/AMENDMENTS/PLEADINGS

No joinder of parties or amendments to pleadings is permitted without leave of court, good cause having been shown.

III. JURISDICTION/VENUE

Jurisdiction is predicated upon 28 U.S.C. § 1331, 1361 and 5 U.S.C. § 701 et seq. Jurisdiction and venue are not contested.

1 IV. DISCOVERY

2 In agreeing that no need for additional discovery is
3 indicated at this time, the parties appear to concede that
4 judicial review of agency decisions is limited to the
5 administrative record, unless a need to expand that record is
6 demonstrated by the parties. See Southwest Center for Biological
7 Diversity v. U.S., 100 F.3d 1443, 1450 (9th Cir. 1996); see also
8 5 U.S.C. § 706. Consequently, the Court's review will be limited
9 to the administrative record unless good cause is found for
10 augmentation of that record. Defendants shall provide Plaintiff
11 a copy of the entire administrative record within **60** days of the
12 date of this Pretrial Scheduling Order. The filing of the
13 written administrative record shall be filed concurrently with
14 the filing of the dispositive motion.

15 V. MOTION HEARING SCHEDULE

16 The last day to hear dispositive motions shall be **May 31,**
17 **2012.** The parties shall comply with the following filing
18 deadlines:

19 Dispositive motion	filed at least 9 weeks 20 prior to hearing
21 Opposition and any cross-motion	filed at least 6 weeks prior to hearing
22 Reply and opposition to cross-motion	filed at least 4 weeks prior to hearing
23 Reply to cross-motion	filed at least 2 week 24 prior to hearing

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1 The parties are directed to the Court's website for
2 available hearing dates. (www.caed.uscourts.gov → choose Court
3 Calendar → choose Judge England → choose More Calendaring
4 Information)

5 All purely legal issues are to be resolved by timely
6 pretrial motions. Failure to comply with Local Rules 230 and
7 260, as modified by this Order, may be deemed consent to the
8 motion and the Court may dispose of the motion summarily.
9 Further, failure to timely oppose a summary judgment motion¹ may
10 result in the granting of that motion if the movant shifts the
11 burden to the nonmovant to demonstrate that a genuine issue of
12 material fact remains for trial.

13 The Court places a page limit for points and authorities
14 (exclusive of exhibits and other supporting documentation) of
15 twenty (20) pages on all initial moving papers, twenty (20) pages
16 on oppositions, and ten (10) pages for replies. All requests for
17 page limit increases must be made in writing to the Court setting
18 forth any and all reasons for any increase in page limit at least
19 fourteen (14) days prior to the filing of the motion.

20 For the Court's convenience, citations to Supreme Court
21 cases should include parallel citations to the Supreme Court
22 Reporter.

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27 ¹ The Court urges any party that contemplates bringing a
28 motion for summary judgment or who must oppose a motion for
summary judgment to review Local Rule 260.

1 VI. VOLUNTARY DISPUTE RESOLUTION PROGRAM

2 Pursuant to Local Rule 271 parties will need to lodge a
3 stipulation and proposed order requesting referral to the
4 Voluntary Dispute Resolution Program.

5 VII. MODIFICATION OF PRETRIAL SCHEDULING ORDER

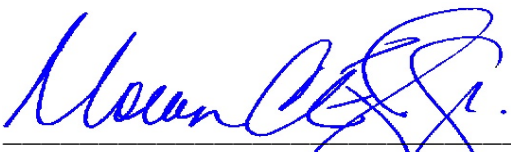
6 The parties are reminded that pursuant to Rule 16(b) of the
7 Federal Rules of Civil Procedure, the Pretrial Scheduling Order
8 shall not be modified except by leave of court upon a showing of
9 **good cause**. Agreement by the parties pursuant to stipulation
10 alone to modify the Pretrial Scheduling Order does not constitute
11 good cause. Except in extraordinary circumstances,
12 unavailability of witnesses or counsel will not constitute good
13 cause.

14 VIII. OBJECTIONS TO PRETRIAL SCHEDULING ORDER

15 This Pretrial Scheduling Order will become final without
16 further order of the Court unless objections are filed within
17 seven (7) court days of service of this Order.

18 IT IS SO ORDERED.

19 Dated: September 19, 2011

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22 MORRISON C. ENGLAND, JR.
23 UNITED STATES DISTRICT JUDGE
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