

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KARIN KNIGHTON, NO. 2:11-cv-00772-MCE-KJN

Plaintiff,

v.

PRETRIAL SCHEDULING ORDER

CIGNA GROUP INSURANCE, 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.

111

111

111

1 III. JURISDICTION/VENUE

2 Jurisdiction is predicated upon 28 U.S.C. section 1337 and
3 29 U.S.C. section 1132(e). Jurisdiction and venue are not
4 contested.

5 IV. DISCOVERY

6 This case is governed by ERISA, therefore, all evidence for
7 trial will be limited to the administrative record. The Court
8 will allow a limited period of additional discovery in order to
9 assess whether a conflict of interest affected the decision-
10 making process.

11 All discovery shall be completed by **November 1, 2011**. In
12 this context, "completed" means that all discovery shall have
13 been conducted so that all depositions have been taken and any
14 disputes relative to discovery shall have been resolved by
15 appropriate order if necessary and, where discovery has been
16 ordered, the order has been obeyed. All motions to compel
17 discovery must be noticed on the magistrate judge's calendar in
18 accordance with the local rules of this Court.

19 V. ADMINISTRATIVE RECORD

20 Defendants shall provide Plaintiff a copy of the entire
21 administrative record within **60** days of the date of this Pretrial
22 Scheduling Order. The filing of the written administrative
23 record shall be not later than **January 24, 2012**.

24 ///

25 ///

26 ///

27 ///

28 ///

1 VI. MOTION HEARING SCHEDULE

2 The Plaintiff's dispositive motion shall be filed by
3 **January 24, 2012.** Defendants' opposition to Plaintiff's motion
4 and Defendants' cross-motion, if any, shall be filed by
5 **February 7, 2012.** Plaintiff's reply and opposition to
6 Defendants' cross-motion shall be filed by **February 21, 2012.**
7 Defendants' reply shall be filed by **March 7, 2012.** Hearing on
8 such motions shall be on **March 21, 2012, at 2:00 p.m.**

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

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

23 For the Court's convenience, citations to Supreme Court
24 cases should include parallel citations to the Supreme Court
25 Reporter.

26
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 VII. SETTLEMENT CONFERENCE

2 The Court may set a settlement conference if the parties so
3 request. In the event an early settlement conference date is
4 requested, the parties shall file said request jointly, in
5 writing. The request must state whether the parties waive
6 disqualification, pursuant to Local Rule 270(b), before a
7 settlement judge can be assigned to the case. Absent the
8 parties' affirmatively requesting that the assigned Judge or
9 Magistrate Judge participate in the settlement conference AND
10 waiver, pursuant to Local Rule 270(b), a settlement judge will be
11 randomly assigned to the case.

12 VIII. VOLUNTARY DISPUTE RESOLUTION PROGRAM

13 Pursuant to Local Rule 271 parties will need to lodge a
14 stipulation and proposed order requesting referral to the
15 Voluntary Dispute Resolution Program.

16 IX. MODIFICATION OF PRETRIAL SCHEDULING ORDER

17 The parties are reminded that pursuant to Rule 16(b) of the
18 Federal Rules of Civil Procedure, the Pretrial Scheduling Order
19 shall not be modified except by leave of court upon a showing of
20 **good cause**. Agreement by the parties pursuant to stipulation
21 alone to modify the Pretrial Scheduling Order does not constitute
22 good cause. Except in extraordinary circumstances,
23 unavailability of witnesses or counsel will not constitute good
24 cause.

25 ///

26 ///

27 ///

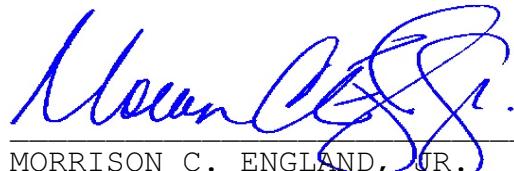
28 ///

1 X. OBJECTIONS TO PRETRIAL SCHEDULING ORDER

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

5 IT IS SO ORDERED.

6 Dated: July 28, 2011



7
8 MORRISON C. ENGLAND, JR.
9 UNITED STATES DISTRICT JUDGE
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28