

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-----

SCOTT N. JOHNSON,
Plaintiff,

v.

NO. CIV. 2:11-1370 WBS JFM

JIMMY CHAN; PI-LANG CHAN; LEE J.
CHEN; CHAO CHEN,
Defendants.

_____ /

-----oo0oo-----

STATUS (PRETRIAL SCHEDULING) ORDER

After reviewing the parties' Joint Status Report, the court hereby vacates the Status (Pretrial Scheduling) Conference scheduled for September 19, 2011.

I. SERVICE OF PROCESS

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

///

///

1 II. JOINDER OF PARTIES/AMENDMENTS

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

7 III. JURISDICTION/VENUE

8 Jurisdiction is predicated upon federal question
9 jurisdiction, 28 U.S.C. § 1331, because plaintiff has brought
10 claims under the Americans with Disabilities Act, 42 U.S.C. §§
11 12101-12183. Venue is undisputed and is hereby found to be
12 proper.

13 IV. DISCOVERY

14 The parties shall serve the initial disclosures
15 required by Federal Rule of Civil Procedure 26(a)(1) by no later
16 than October 11, 2011.

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 November 28, 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 December 22, 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 January 23, 2012. 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 January 23, 2012.

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 March 5, 2012. 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 May 29, 2012,
16 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 July 24, 2012, at 9:00 a.m.
12 The parties estimate the a bench trial will last three days and a
13 jury trial will last four days.

14 VIII. SETTLEMENT CONFERENCE & VDRP

15 Plaintiff has expressed an interest in pursuing the
16 Voluntary Dispute Resolution Program, which he may pursue
17 pursuant to Eastern District Local Rule 271(c)(3).

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

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

1 Statements shall not be filed and will not otherwise be disclosed
2 to the trial judge.

3 IX. MODIFICATIONS TO SCHEDULING ORDER

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

9 DATED: September 15, 2011

10 

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