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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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STEPHEN R. DE SENA,
Plaintiff,
v.

NO. CIV. 2:11-1715 WBS GGH

AMERICAN RED CROSS OF
NORTHEASTERN CALIFORNIA,
AMERICAN RED CROSS a local
chapter of the AMERICAN RED
CROSS, THREE RIVERS CHAPTER,
AMERICAN RED CROSS a local
chapter of the AMERICAN RED
CROSS Does 1 through 25,
inclusive,

Defendants.

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STATUS (PRETRIAL SCHEDULING) ORDER

After reviewing the parties' Joint Status Report, the court hereby vacates the Status (Pretrial Scheduling) Conference scheduled for October 17, 2011.

I. SERVICE OF PROCESS

The named defendants have been served and no further

1 service is permitted without leave of court, good cause having
2 been shown under Federal Rule of Civil Procedure 16(b).

3 II. JOINER OF PARTIES/AMENDMENTS

4 No further joinder of parties or amendments to
5 pleadings will be permitted except with leave of court, good
6 cause having been shown under Federal Rule of Civil Procedure
7 16(b). See Johnson v. Mammoth Recreations, Inc., 975 F.2d 604
8 (9th Cir. 1992).

9 III. JURISDICTION/VENUE

10 Jurisdiction is predicated upon the American National
11 Red Cross's chartered power to "sue and be sued" in federal
12 court, Am. Nat'l Red Cross v. S.G., 505 U.S. 247, 257 (1992).
13 Venue is undisputed and is hereby found to be proper.

14 IV. DISCOVERY

15 The parties agreed to serve the initial disclosures
16 required by Federal Rule of Civil Procedure 26(a)(1) by no later
17 than November 7, 2011.

18 The parties shall disclose experts and produce reports
19 in accordance with Federal Rule of Civil Procedure 26(a)(2) by no
20 later than June 22, 2012. With regard to expert testimony
21 intended solely for rebuttal, those experts shall be disclosed
22 and reports produced in accordance with Federal Rule of Civil
23 Procedure 26(a)(2) on or before July 6, 2012.

24 All discovery, including depositions for preservation
25 of testimony, is left open, save and except that it shall be so
26 conducted as to be completed by July 30, 2012. The word
27 "completed" means that all discovery shall have been conducted so
28 that all depositions have been taken and any disputes relevant to

1 discovery shall have been resolved by appropriate order if
2 necessary and, where discovery has been ordered, the order has
3 been obeyed. All motions to compel discovery must be noticed on
4 the magistrate judge's calendar in accordance with the local
5 rules of this court and so that such motions may be heard (and
6 any resulting orders obeyed) not later than July 30, 2012.

7 V. MOTION HEARING SCHEDULE

8 All motions, except motions for continuances, temporary
9 restraining orders, or other emergency applications, shall be
10 filed on or before December 17, 2012. All motions shall be
11 noticed for the next available hearing date. Counsel are
12 cautioned to refer to the local rules regarding the requirements
13 for noticing and opposing such motions on the court's regularly
14 scheduled law and motion calendar.

15 VI. FINAL PRETRIAL CONFERENCE

16 The Final Pretrial Conference is set for February 19,
17 2013, at 2:00 p.m. in Courtroom No. 5. The conference shall be
18 attended by at least one of the attorneys who will conduct the
19 trial for each of the parties and by any unrepresented parties.

20 Counsel for all parties are to be fully prepared for
21 trial at the time of the Pretrial Conference, with no matters
22 remaining to be accomplished except production of witnesses for
23 oral testimony. Counsel shall file separate pretrial statements,
24 and are referred to Local Rules 16-281 and 16-282 relating to the
25 contents of and time for filing those statements. In addition to
26 those subjects listed in Local Rule 16-281(b), the parties are to
27 provide the court with: (1) a plain, concise statement which
28 identifies every non-discovery motion which has been made to the

1 court, and its resolution; (2) a list of the remaining claims as
2 against each defendant; and (3) the estimated number of trial
3 days.

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

11 VII. TRIAL SETTING

12 The jury trial is set for April 16, 2013, at 9:00 a.m.
13 The parties estimate that the trial will last three to five court
14 days.

15 VIII. SETTLEMENT CONFERENCE

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

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

1 IX. MODIFICATIONS TO SCHEDULING ORDER

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

7 DATED: October 4, 2011

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9 WILLIAM B. SHUBB
10 UNITED STATES DISTRICT JUDGE
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