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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM BELL III,

Plaintiff,

No. CIV 2:11-cv-1864 MCE AC PS

vs.

UNIV. OF CAL. DAVIS MED. CTR.,
et al.,

Defendants.

ORDER SETTING STATUS CONFERENCE

_____ /
This action has been assigned to Judge Morrison C. England and has been referred to the undersigned for all purposes described in Local Rule 72-302(c)(21).

Pursuant to the provisions of Federal Rule of Civil Procedure 16 and Local Rule 16-240, IT IS HEREBY ORDERED that:

1. Failure to comply with the Federal Rules of Civil Procedure or Local Rules of Practice for the United States District Court, Eastern District of California, or orders of this court, may result in dismissal of this action. Even parties without counsel will be expected to comply with the procedural rules.

2. A Status (Pretrial Scheduling) Conference is set for March 20, 2013, at 10:00 a.m. in courtroom # 26 before the undersigned. All parties shall appear by counsel or in person

1 if acting without counsel.

2 3. The parties shall submit to the court and serve by mail on all other parties, no
3 later than fourteen (14) days before the Status (Pretrial Scheduling) Conference, a status report¹
4 addressing the following matters:

- 5 a. Service of process;
- 6 b. Possible joinder of additional parties;
- 7 c. Any expected or desired amendment of the pleadings;
- 8 d. Jurisdiction and venue;
- 9 e. Anticipated motions and the scheduling thereof;
- 10 f. The report required by Federal Rule of Civil Procedure 26 outlining the
11 proposed discovery plan and its scheduling, including disclosure of expert witnesses;
- 12 g. Future proceedings, including setting appropriate cut-off dates for
13 discovery and law and motion, and the scheduling of a pretrial conference and trial;
- 14 h. Special procedures, if any;
- 15 i. Estimated trial time;
- 16 j. Modification of standard pretrial procedures specified by the rules due
17 to the simplicity or complexity of the proceedings;
- 18 k. Whether the case is related to any other cases, including bankruptcy;
- 19 l. Whether a settlement conference should be scheduled;
- 20 m. Whether counsel will stipulate to the magistrate judge assigned to this
21 matter acting as settlement judge and waiving disqualification by virtue of her so acting, or
22 whether they prefer to have a settlement conference before another judge;
- 23 n. Any other matters that may add to the just and expeditious disposition
24 of this matter.

25
26 ¹ The parties are encouraged, when possible, to file a joint status report.

1 4. Plaintiff and counsel are reminded of their continuing duty to notify chambers
2 immediately of any settlement or other disposition (see Local Rule 16-160). In addition, the
3 parties are cautioned that pursuant to Local Rule 78-230(c), opposition to the granting of a
4 motion must be filed fourteen days preceding the noticed hearing date. The Rule further
5 provides that “[n]o party will be entitled to be heard in opposition to a motion at oral arguments
6 if written opposition to the motion has not been timely filed by that party.” Moreover, Local
7 Rule 78-230(j) provides that failure to appear may be deemed withdrawal of opposition to the
8 motion or may result in sanctions. Finally, Local Rule 11-110 provides that failure to comply
9 with the Local Rules “may be grounds for imposition of any and all sanctions authorized by
10 statute or Rule or within the inherent power of the Court.”

11 5. The parties are informed that they may, if all consent, have this case tried by a
12 United States Magistrate Judge while preserving their right to appeal to the Circuit Court of
13 Appeal. An appropriate form for consent to trial by a magistrate judge is attached. Any party
14 choosing to consent may complete the form and return it to the clerk of this court. Neither the
15 magistrate judge nor the district judge handling the case will be notified of the filing of a consent
16 form unless all parties to the action have consented.

17 6. The Clerk shall send plaintiff 3 copies (one for each defendant plus one for
18 plaintiff) of the form, “Consent to Proceed Before United States Magistrate Judge,” with this
19 order.

20 7. Plaintiff shall serve on each defendant, within ten days after the service of
21 process, a copy of this order and a copy of the form “Consent to Proceed Before United States
22 Magistrate Judge” and shall file with the clerk a certificate reflecting such service.

23 DATED: December 21, 2012

24
25 
26 ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE

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