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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Z.F. et al.,

Plaintiff,

v.

RIPON UNIFIED SCHOOL DISTRICT,

Defendant.

NO. 2:11-cv-02741 KJM GGH

STATUS (PRETRIAL SCHEDULING)
ORDER

_____ /
An initial scheduling conference was held in this case on March 15, 2012; George Crook and Bryan Winn appeared for plaintiff; Marcella Gutierrez and Ileana Butu appeared for defendant. Having reviewed the parties' Joint Status Report filed, and having discussed a schedule for the case with counsel at the hearing, the court makes the following orders:

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 further joinder of parties or amendments to pleadings is permitted without leave of court, good cause having been shown. *See* FED. R. CIV. P. 16(b); *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604 (9th Cir. 1992).

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1 III. JURISDICTION/VENUE

2 Jurisdiction is predicated upon 20 U.S.C. §1415(i)(2), (3). Jurisdiction and venue are not
3 disputed.

4 IV. DISCOVERY

5 Because this action under the IDEA proceeds primarily as a review upon an
6 administrative record, the parties agreed, and the undersigned concurs ,that no initial disclosures
7 as required by Federal Rule of Civil Procedure 26(a) are necessary. See Fed.R.Civ.P. Rule
8 26(a)(1)(B)(i).

9 Discovery in this case is limited. Plaintiff plans very limited paper discovery concerning
10 events transpiring during the administrative proceedings; defendant does not contemplate
11 discovery. All discovery shall be completed by **June 29, 2012**. In this context, “completed”
12 means that all discovery shall have been conducted so that all depositions have been taken and
13 any disputes relative to discovery shall have been resolved by appropriate order if necessary and,
14 where discovery has been ordered, the order has been obeyed. All motions to compel discovery
15 must be noticed on the magistrate judge’s calendar in accordance with the local rules of this
16 court.

17 V. DISCLOSURE OF EXPERT WITNESSES

18 The parties will not be presenting expert witnesses.

19 VI. MOTION HEARING SCHEDULE

20 Although the parties dispute the correct statement of the one issue involved, only one
21 issue is involved. Plaintiff asserts that the “District had predetermined the subject IEP by
22 determining in advance not to extend the contract of a nonpublic agency that was providing aide
23 services to plaintiff’s son.” “Defendant asserts that the issue is whether the District
24 predetermined a change in the nonpublic agency (‘NPA’) providing behavior intervention
25 services to Student.” Joint Status Report at 3.

26 As this case primarily involves review upon an administrative record, in all probability,
27 the case will be resolved on cross-motions for summary judgment. The filing of these motions is
28 a requirement in this case. Moreover, as is the case in cross-motions for summary judgment in

1 Social Security cases, the parties need not file the ordinary undisputed and disputed facts
2 statements. Plaintiff shall lodge the administrative record with the filing of plaintiff's motion for
3 summary judgment.

4 Plaintiff shall file plaintiff's motion for summary judgment first. Defendant shall timely
5 oppose and concurrently file its cross-motion for summary judgment. Plaintiff may then reply.
6 No further briefing is authorized.

7 All dispositive motions, including the above referenced cross-motions for summary
8 judgment, except motions for continuances, temporary restraining orders or other emergency
9 applications, shall be heard no later than August 24, 2012. The parties may obtain available
10 hearing dates by calling Casey Schultz, the Courtroom Deputy, at (916) 930-4193.

11 All purely legal issues are to be resolved by timely pretrial motions. Local Rule 230
12 governs the calendaring and procedures of civil motions with the following additions:

- 13 (a) The opposition and reply must be filed by 4:00 p.m. on the day due; and
- 14 (b) When the last day for filing an opposition brief falls on a legal holiday, the
15 opposition brief shall be filed on the last court day immediately preceding
16 the legal holiday.

17 Failure to comply with Local Rule 230(c), as modified by this order, may be deemed consent to
18 the motion and the court may dispose of the motion summarily. *Brydges v. Lewis*, 18 F.3d 651,
19 652-53 (9th Cir. 1994).

20 The court places a page limit of twenty (20) pages on all moving papers, twenty (20)
21 pages on oppositions, and ten (10) pages for replies. All requests for page limit increases must
22 be made through the courtroom deputy clerk at least fourteen (14) days prior to the filing of the
23 motion.

24 If this matter makes its way to trial, the parties are reminded that a motion *in limine* is a
25 pretrial procedural device designed to address the admissibility of evidence. The court will look
26 with disfavor upon dispositional motions presented at the Final Pretrial Conference or at trial in
27 the guise of motions *in limine*.

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