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

Scott N. Johnson,	)	
	)	2:12-cv-00080-GEB-CKD
Plaintiff,	)	
	)	
v.	)	<u>STATUS (PRETRIAL SCHEDULING)</u>
	)	<u>ORDER</u>
Sue Chanthilack, Individually	)	
and d/b/a Bangkok Restaurant;	)	
Phetmany Chantrilack,	)	
Individually and d/b/a Bangkok	)	
Restaurant; Chandara Som,	)	
Individually and d/b/a Salon	)	
Concepts; Wei Song, Individually	)	
and d/b/a Sunny Day Spa; Michael	)	
Tran, Individually and d/b/a	)	
Glossy Nails; Colonial Plaza,	)	
	)	
Defendants.	)	
_____	)	

The status (pretrial scheduling) conference scheduled for hearing on April 23, 2012, is vacated since the parties' Joint Status Report filed on April 9, 2012 ("JSR") indicates the following Order should issue.

SERVICE, JOINDER OF ADDITIONAL PARTIES, AMENDMENT

No further service, joinder of parties or amendments to pleadings is permitted, except with leave of Court for good cause shown.

DISCOVERY

All discovery shall be completed by June 26, 2013. In this context, "completed" means that all discovery shall have been conducted so that all depositions have been taken and any disputes relative to

1 discovery shall have been resolved by appropriate orders, if necessary,  
2 and, where discovery has been ordered, the order has been complied with  
3 or, alternatively, the time allowed for such compliance shall have  
4 expired.

5 Each party shall comply with Federal Rule of Civil Procedure  
6 26(a)(2)(B) and (C)'s initial expert witness disclosure requirements on  
7 or before January 25, 2013, and any contradictory and/or rebuttal expert  
8 disclosure authorized under Rule 26(a)(2)(D)(ii) on or before February  
9 25, 2013.

10 MOTION HEARING SCHEDULE

11 The last hearing date for a motion is August 26, 2013,  
12 commencing at 9:00 a.m.<sup>1</sup> A motion shall be briefed as prescribed in Local  
13 Rule 230.

14 The parties are cautioned that an untimely motion  
15 characterized as a motion in limine may be summarily denied. A motion in  
16 limine addresses the admissibility of evidence.

17 FINAL PRETRIAL CONFERENCE

18 The final pretrial conference is set for October 21, 2013, at  
19 11:00 a.m. The parties are cautioned that the lead attorney who WILL TRY  
20 THE CASE for each party shall attend the final pretrial conference. In  
21 addition, all persons representing themselves and appearing in propria  
22 persona must attend the pretrial conference.

23 The parties are warned that **non-trial worthy issues could be**  
24 **eliminated sua sponte** "[i]f the pretrial conference discloses that no  
25 material facts are in dispute and that the undisputed facts entitle one  
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27 <sup>1</sup> This time deadline does not apply to motions for continuances,  
28 temporary restraining orders, emergency applications, or motions under  
Rule 16(e) of the Federal Rules of Civil Procedure.

1 of the parties to judgment as a matter of law." Portsmouth Square v.  
2 S'holders Protective Comm., 770 F.2d 866, 869 (9th Cir. 1985).

3 The parties shall file a **JOINT** pretrial statement no later  
4 than seven (7) calendar days prior to the final pretrial conference. The  
5 joint pretrial statement shall address the applicable portions of Local  
6 Rule 281(b), and shall set forth each theory of liability ("claim") and  
7 affirmative defense which remains to be tried, and the ultimate facts on  
8 which each theory/defense is based. Furthermore, each party shall  
9 estimate the length of trial.<sup>2</sup> The Court uses the parties' joint pretrial  
10 statement to prepare its final pretrial order and could issue the final  
11 pretrial order without holding the scheduled final pretrial conference.  
12 See Mizwicki v. Helwig, 196 F.3d 828, 833 (7th Cir. 1999) ("There is no  
13 requirement that the court hold a pretrial conference.").

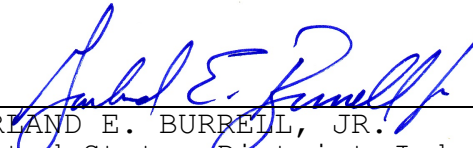
14 If feasible, at the time of filing the joint pretrial  
15 statement counsel shall also email it in a format compatible with  
16 WordPerfect to: geborders@caed.uscourts.gov.

17 TRIAL SETTING

18 Trial shall commence at 9:00 a.m. on January 28, 2014.

19 IT IS SO ORDERED.

20 Dated: April 12, 2012

21  
22   
23 \_\_\_\_\_  
24 GARLAND E. BURRELL, JR.  
25 United States District Judge  
26

27 \_\_\_\_\_  
28 <sup>2</sup> If a trial by jury has been preserved, the joint pretrial  
statement shall also state how much time each party desires for voir  
dire, opening statements, and closing arguments.