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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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SHAUN OWNENS,

NO. CIV. 2:12-419 WBS JFM

Plaintiff,

v.

WALGREEN CO. and DOES 1 through
100, inclusive,

Defendant.

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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 May 29, 2012.

I. SERVICE OF PROCESS

The named defendant has been served and no further service is permitted without leave of court, good cause having

1 been shown under Fed. R. Civ. P. 16(b).

2 II. JOINDER OF PARTIES/AMENDMENTS

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

7 III. JURISDICTION/VENUE

8 Jurisdiction is predicated upon diversity of
9 citizenship, 28 U.S.C. § 1332. Venue is undisputed and is hereby
10 found to be proper.

11 IV. DISCOVERY

12 The parties shall serve the initial disclosures
13 required by Federal Rule of Civil Procedure 26(a)(1) by no later
14 than May 31, 2012.

15 The parties have agreed to complete non-expert
16 discovery by no later than October 30, 2012. The parties shall
17 disclose experts and produce reports in accordance with Federal
18 Rule of Civil Procedure 26(a)(2) by no later than October 1,
19 2012. With regard to expert testimony intended solely for
20 rebuttal, those experts shall be disclosed and reports produced
21 in accordance with Federal Rule of Civil Procedure 26(a)(2) on or
22 before November 30, 2012.

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 December 14, 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 December 14, 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 December 28, 2012. All motions shall be
10 noticed for the next available hearing date. Counsel are
11 cautioned to refer to the local rules regarding the requirements
12 for noticing and opposing such motions on the court's regularly
13 scheduled law and motion calendar.

14 VI. FINAL PRETRIAL CONFERENCE

15 The Final Pretrial Conference is set for March 18,
16 2013, 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 trial is set for May 14, 2013, at 9:00 a.m. The
12 parties estimate that a jury trial will last eight court days.

13 VIII. SETTLEMENT CONFERENCE

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

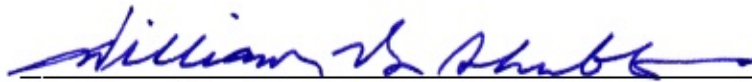
18 Counsel are instructed to have a principal with full
19 settlement authority present at the Settlement Conference or to
20 be fully authorized to settle the matter on any terms. At least
21 seven calendar days before the Settlement Conference counsel for
22 each party shall submit a confidential Settlement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

27 IX. MODIFICATIONS TO SCHEDULING ORDER

28 Any requests to modify the dates or terms of this

1 Scheduling Order, except requests to change the date of the
2 trial, may be heard and decided by the assigned Magistrate Judge.
3 All requests to change the trial date shall be heard and decided
4 only by the undersigned judge.

5 DATED: May 24, 2012

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8 WILLIAM B. SHUBB
9 UNITED STATES DISTRICT JUDGE
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