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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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FIFTH THIRD BANK,  
Plaintiff,

NO. CIV. 2:12-427 WBS CKD

v.

MICHAEL SCHEILBLI and INDERJIT  
GREWAL,  
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 May 29, 2012.

I. SERVICE OF PROCESS

The named defendants have been served and no further service is permitted without leave of court, good cause having been shown under Federal Rule of Civil Procedure 16(b).

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1           II. JOINDER OF PARTIES/AMENDMENTS

2           No further joinder of parties or amendments to  
3 pleadings will be permitted except with leave of court, good  
4 cause having been shown under Federal Rule of Civil Procedure  
5 16(b). See *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604  
6 (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 June 1, 2012.

15           The parties shall disclose experts and produce reports  
16 in accordance with Federal Rule of Civil Procedure 26(a)(2) by no  
17 later than September 14, 2012. With regard to expert testimony  
18 intended solely for rebuttal, those experts shall be disclosed  
19 and reports produced in accordance with Federal Rule of Civil  
20 Procedure 26(a)(2) on or before October 12, 2012.

21           All discovery, including depositions for preservation  
22 of testimony, is left open, save and except that it shall be so  
23 conducted as to be completed by November 1, 2012. The word  
24 "completed" means that all discovery shall have been conducted so  
25 that all depositions have been taken and any disputes relevant to  
26 discovery shall have been resolved by appropriate order if  
27 necessary and, where discovery has been ordered, the order has  
28 been obeyed. All motions to compel discovery must be noticed on

1 the magistrate judge's calendar in accordance with the local  
2 rules of this court and so that such motions may be heard (and  
3 any resulting orders obeyed) not later than November 1, 2012.

4 V. MOTION HEARING SCHEDULE

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

12 VI. FINAL PRETRIAL CONFERENCE

13 The Final Pretrial Conference is set for March 4, 2013,  
14 at 2:00 p.m. in Courtroom No. 5. The conference shall be  
15 attended by at least one of the attorneys who will conduct the  
16 trial for each of the parties and by any unrepresented parties.

17 Counsel for all parties are to be fully prepared for  
18 trial at the time of the Pretrial Conference, with no matters  
19 remaining to be accomplished except production of witnesses for  
20 oral testimony. Counsel shall file separate pretrial statements,  
21 and are referred to Local Rules 281 and 282 relating to the  
22 contents of and time for filing those statements. In addition to  
23 those subjects listed in Local Rule 281(b), the parties are to  
24 provide the court with: (1) a plain, concise statement which  
25 identifies every non-discovery motion which has been made to the  
26 court, and its resolution; (2) a list of the remaining claims as  
27 against each defendant; and (3) the estimated number of trial  
28 days.

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

8           VII. TRIAL SETTING

9           The trial is set for May 7, 2013, at 9:00 a.m. The  
10 parties estimate that a jury trial will last two court days.

11           VIII. SETTLEMENT CONFERENCE

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


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

25           IX. MODIFICATIONS TO SCHEDULING ORDER

26           Any requests to modify the dates or terms of this  
27 Scheduling Order, except requests to change the date of the  
28 trial, may be heard and decided by the assigned Magistrate Judge.

1 All requests to change the trial date shall be heard and decided  
2 only by the undersigned judge.

3 DATED: May 24, 2012

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5 WILLIAM B. SHUBB  
6 UNITED STATES DISTRICT JUDGE  
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