

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

-----oo0oo-----

FAITH FELDMAN,

NO. CIV. 2:12-2066 WBS-CKD

Plaintiff,

v.

NELSON & KENNARD,

Defendant.

_____ /

-----oo0oo---

STATUS (PRETRIAL SCHEDULING) ORDER

After reviewing the parties' Joint Status Report, the court hereby vacates the Status (Pretrial Scheduling) Conference scheduled for March 4, 2013, and makes the following findings and orders without needing to consult with the parties any further.

I. SERVICE OF PROCESS

All named defendants have been served, and no further service is permitted without leave of court, good cause having

1 been shown under Federal Rule of Civil Procedure 16(b).

2 II. JOINDER OF PARTIES/AMENDMENTS

3 Although the parties have requested to join other
4 parties or make amendments to pleadings until June 21, 2013, the
5 court will allow joinder of parties and amendments to pleadings
6 until April 4, 2013. After that date, no further joinder of
7 parties or amendments to pleadings will be permitted except with
8 leave of court, good cause having been shown under Federal Rule
9 of Civil Procedure 16(b). See Johnson v. Mammoth Recreations,
10 Inc., 975 F.2d 604 (9th Cir. 1992).

11 III. JURISDICTION/VENUE

12 Jurisdiction is predicated upon federal question
13 jurisdiction, 28 U.S.C. § 1331, because plaintiff alleges a claim
14 under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et
15 seq. Venue is undisputed and is hereby found to be proper.

16 IV. DISCOVERY

17 The parties shall serve the initial disclosures
18 required by Federal Rule of Civil Procedure 26(a)(1) by no later
19 than April 1, 2013.

20 The plaintiff shall disclose experts and produce
21 reports in accordance with Federal Rule of Civil Procedure
22 26(a)(2) by no later than September 23, 2013. The defendant
23 shall do the same by no later than October 21, 2013.

24 The parties have agreed to serve no more than fifty
25 interrogatories each, to take no more than four depositions each
26 (excluding depositions of expert witnesses), and to take no more
27 than two expert depositions each.

28 Discovery, including depositions for preservation of

1 testimony, is otherwise left open, save and except that it shall
2 be so conducted as to be completed by December 23, 2013. The
3 word "completed" means that all discovery shall have been
4 conducted so that all depositions have been taken and any
5 disputes relevant to discovery shall have been resolved by
6 appropriate order if necessary and, where discovery has been
7 ordered, the order has been obeyed. All motions to compel
8 discovery must be noticed on the magistrate judge's calendar in
9 accordance with the local rules of this court and so that such
10 motions may be heard (and any resulting orders obeyed) not later
11 than December 23, 2013.

12 V. MOTION HEARING SCHEDULE

13 All motions, except motions for continuances, temporary
14 restraining orders, or other emergency applications, shall be
15 filed on or before March 24, 2014. All motions shall be noticed
16 for the next available hearing date. Counsel are cautioned to
17 refer to the local rules regarding the requirements for noticing
18 and opposing such motions on the court's regularly scheduled law
19 and motion calendar.

20 VI. FINAL PRETRIAL CONFERENCE

21 The Final Pretrial Conference is set for April 14,
22 2014, at 2:00 p.m. in Courtroom No. 5. The conference shall be
23 attended by at least one of the attorneys who will conduct the
24 trial for each of the parties and by any unrepresented parties.

25 Counsel for all parties are to be fully prepared for
26 trial at the time of the Pretrial Conference, with no matters
27 remaining to be accomplished except production of witnesses for
28 oral testimony. Counsel shall file separate pretrial statements,

1 and are referred to Local Rules 281 and 282 relating to the
2 contents of and time for filing those statements. In addition to
3 those subjects listed in Local Rule 281(b), the parties are to
4 provide the court with: (1) a plain, concise statement which
5 identifies every non-discovery motion which has been made to the
6 court, and its resolution; (2) a list of the remaining claims as
7 against each defendant; and (3) the estimated number of trial
8 days.

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

16 VII. TRIAL SETTING

17 The trial is set for June 24, 2014, at 9:00 a.m. The
18 parties estimate that a jury trial will last no more than three
19 days.

20 VIII. SETTLEMENT CONFERENCE

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

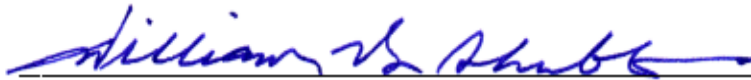
25 Counsel are instructed to have a principal with full
26 settlement authority present at the Settlement Conference or to
27 be fully authorized to settle the matter on any terms. At least
28 seven calendar days before the Settlement Conference counsel for

1 each party shall submit a confidential Settlement Conference
2 Statement for review by the settlement judge. If the settlement
3 judge is not the trial judge, the Settlement Conference
4 Statements shall not be filed and will not otherwise be disclosed
5 to the trial judge.

6 IX. MODIFICATIONS TO SCHEDULING ORDER

7 Any requests to modify the dates or terms of this
8 Scheduling Order, except requests to change the date of the
9 trial, may be heard and decided by the assigned Magistrate Judge.
10 All requests to change the trial date shall be heard and decided
11 only by the undersigned judge.

12 DATED: February 27, 2013

13
14 

15 WILLIAM B. SHUBB
16 UNITED STATES DISTRICT JUDGE
17
18
19
20
21
22
23
24
25
26
27
28