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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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OZZIEVELT SPIKES,
Plaintiff,

NO. CIV. 2:13-00333 WBS AC

v.

SAIC, INC., dba DELWARE SAIC,
INC., and DOES 1-50 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 August 5, 2013, and makes the following findings and other orders without needing to consult with the parties any further.

I. SERVICE OF PROCESS

The named defendant has 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).

1 II. JOINDER OF PARTIES/AMENDMENTS

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

6 III. JURISDICTION/VENUE

7 Jurisdiction is predicated upon diversity jurisdiction
8 under 28 U.S.C. § 1332(a). Venue is undisputed and is hereby
9 found to be proper.

10 IV. DISCOVERY

11 If the parties have not already done so, the parties
12 shall serve the initial disclosures required by Federal Rule of
13 Civil Procedure 26(a)(1) by no later than August 16, 2013.

14 The parties shall disclose experts and produce reports
15 in accordance with Federal Rule of Civil Procedure 26(a)(2) by no
16 later than February 3, 2014. With regard to expert testimony
17 intended solely for rebuttal and any other supplemental expert
18 disclosures, experts shall be disclosed and reports produced in
19 accordance with Federal Rule of Civil Procedure 26(a)(2) on or
20 before March 3, 2014.

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 April 7, 2014. 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 June April 7, 2014.

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 June 2, 2014. All motions shall be noticed
8 for the next available hearing date. Counsel are cautioned to
9 refer to the local rules regarding the requirements for noticing
10 and opposing such motions on the court's regularly scheduled law
11 and motion calendar.

12 VI. FINAL PRETRIAL CONFERENCE

13 The Final Pretrial Conference is set for August 18,
14 2014 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 jury trial is set for October 15, 2014, at 9:00
10 a.m. Plaintiff demands a jury trial in the Complaint and the
11 parties estimate that the trial will last five days.

12 VIII. SETTLEMENT CONFERENCE

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

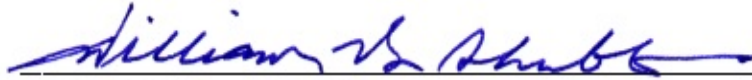
17 Counsel are instructed to have a principal with full
18 settlement authority present at the Settlement Conference or to
19 be fully authorized to settle the matter on any terms. At least
20 seven calendar days before the Settlement Conference counsel for
21 each party shall submit a confidential Settlement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

26 IX. MODIFICATIONS TO SCHEDULING ORDER

27 Any requests to modify the dates or terms of this
28 Scheduling Order, except requests to change the date of the

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

4 DATED: July 31, 2013

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6 WILLIAM B. SHUBB
7 UNITED STATES DISTRICT JUDGE
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