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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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JAMES V. BUNCE,

NO. CIV. 2:13-00976 WBS EFB

Plaintiff,

v.

OCWEN LOAN SERVICING, LLC,

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 September 3, 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           Defendant has yet to file a responsive pleading to  
3 plaintiff's First Amended Complaint. Defendant shall file its  
4 response within five court days from the date of this Order.<sup>1</sup>  
5 After defendant has filed its responsive pleading, no further  
6 joinder of parties or amendments to pleadings is permitted except  
7 with leave of court, good cause having been shown under Fed. R.  
8 Civ. P. 16(b). See Johnson v. Mammoth Recreations, Inc., 975  
9 F.2d 604 (9th Cir. 1992).

10           III. JURISDICTION/VENUE

11           Jurisdiction is predicated upon diversity jurisdiction  
12 under 28 U.S.C. § 1332. Venue is undisputed and is hereby found  
13 to be proper.

14           IV. DISCOVERY

15           The parties shall serve the initial disclosures  
16 required by Federal Rule of Civil Procedure 26(a)(1) by no later  
17 than October 4, 2013.

18           The parties shall disclose experts and produce reports  
19 in accordance with Federal Rule of Civil Procedure 26(a)(2) by no  
20 later than December 13, 2013. With regard to expert testimony  
21 intended solely for rebuttal and any other supplemental expert  
22 disclosures, experts shall be disclosed and reports produced in  
23 accordance with Federal Rule of Civil Procedure 26(a)(2) on or  
24 before January 24, 2014.

25           All discovery, including depositions for preservation  
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27           <sup>1</sup> Pursuant to Fed. R. Civ. P. 12(a)(1)(A)(i), defendant's  
28 responsive pleading was due on August 26, 2013. No answer or  
other responsive pleading is yet on file with the court.

1 of testimony, is left open, save and except that it shall be so  
2 conducted as to be completed by March 28, 2014. The word  
3 "completed" means that all discovery shall have been conducted so  
4 that all depositions have been taken and any disputes relevant to  
5 discovery shall have been resolved by appropriate order if  
6 necessary and, where discovery has been ordered, the order has  
7 been obeyed. All motions to compel discovery must be noticed on  
8 the magistrate judge's calendar in accordance with the local  
9 rules of this court and so that such motions may be heard (and  
10 any resulting orders obeyed) not later than March 28, 2014.

11 V. MOTION HEARING SCHEDULE

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

19 VI. FINAL PRETRIAL CONFERENCE

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

24 Counsel for all parties are to be fully prepared for  
25 trial at the time of the Pretrial Conference, with no matters  
26 remaining to be accomplished except production of witnesses for  
27 oral testimony. Counsel shall file separate pretrial statements,  
28 and are referred to Local Rules 281 and 282 relating to the

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

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

15           VII. TRIAL SETTING

16           The jury trial is set for September 23, 2014 at 9:00  
17 a.m. Plaintiff requests a jury trial and the parties estimate  
18 that the trial will last three days.

19           VIII. SETTLEMENT CONFERENCE

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

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

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

5 IX. MODIFICATIONS TO SCHEDULING ORDER

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

11 DATED: August 28, 2013

12 

13 WILLIAM B. SHUBB  
14 UNITED STATES DISTRICT JUDGE