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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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VICKI ESTRADA; PATRICIA
GOODMAN; and KIM-WILLIAMS
BRITT, individually and
behalf of all others
similarly situated,

 Plaintiffs,

 v.

IYOGI, INC., a New York
Corporation

 Defendant.

CIV. NO. 2:13-1989 WBS CKD

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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 March 31, 2014, and makes the following findings and orders without needing to consult with the parties any further.

1 I. SERVICE OF PROCESS

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

5 II. JOINDER OF PARTIES/AMENDMENTS

6 After May 9, 2014, no further joinder of parties or
7 amendments to pleadings will be permitted except with leave of
8 court, good cause having been shown under Federal Rule of Civil
9 Procedure 16(b). See Johnson v. Mammoth Recreations, Inc., 975
10 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 plaintiffs' claims arise
14 under the Telephone Consumer Protection Act, 47 U.S.C. § 227.
15 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 4, 2014.

20 All non-expert discovery shall be so conducted as to be
21 completed by August 1, 2014. The word "completed" means that all
22 discovery shall have been conducted so that all depositions have
23 been taken and any disputes relevant to discovery shall have been
24 resolved by appropriate order if necessary and, where discovery
25 has been ordered, the order has been obeyed. All motions to
26 compel discovery must be noticed on the magistrate judge's
27 calendar in accordance with the local rules of this court and so
28 that such motions may be heard (and any resulting orders obeyed)

1 not later than August 1, 2014.

2 Plaintiffs shall disclose experts and produce reports
3 relating to class certification in accordance with Federal Rule
4 of Civil Procedure 26(a)(2) by no later than September 2, 2014.
5 Defendants shall disclose experts and produce reports relating to
6 class certification in accordance with Federal Rule of Civil
7 Procedure 26(a)(2) by no later than October 1, 2014. All expert
8 discovery relating to class certification shall be so conducted
9 as to be completed, as that term is used above, by November 3,
10 2014.

11 The parties request that the court refrain from setting
12 a cut-off date for expert discovery on merits issues prior to the
13 resolution of the class certification motion that plaintiffs
14 anticipate filing. However, good case management requires that
15 all pending cases be fully scheduled. Plaintiffs shall disclose
16 experts and produce reports relating to merits issues in
17 accordance with Federal Rule of Civil Procedure 26(a)(2) by no
18 later than March 13, 2015. Defendants shall disclose experts and
19 produce reports relating to merits issues in accordance with
20 Federal Rule of Civil Procedure 26(a)(2) by no later than April
21 10, 2015. All expert discovery relating to merits issues shall
22 be so conducted as to be completed, as that term is used above,
23 by May 1, 2015.

24 V. MOTION HEARING SCHEDULE

25 Plaintiffs indicate that they plan to file a motion for
26 class certification, and shall file that motion on or before
27 December 2, 2014. Defendant shall file its opposition on or
28 before January 7, 2015, and plaintiffs shall file their reply on

1 or before January 28, 2015. The court shall hear the motion for
2 class certification on February 9, 2015, or as soon thereafter as
3 the motion can be heard.

4 All other motions, except motions for continuances,
5 temporary restraining orders, or other emergency applications,
6 shall be filed on or before May 22, 2015. All motions shall be
7 noticed for the next available hearing date. Counsel are
8 cautioned to refer to the local rules regarding the requirements
9 for noticing and opposing such motions on the court's regularly
10 scheduled law and motion calendar.

11 VI. FINAL PRETRIAL CONFERENCE

12 The Final Pretrial Conference is set for July 20, 2015,
13 at 2:00 p.m. in Courtroom No. 5. The conference shall be
14 attended by at least one of the attorneys who will conduct the
15 trial for each of the parties and by any unrepresented parties.

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

28 In providing the plain, concise statements of

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

7 VII. TRIAL SETTING

8 The jury trial is set for September 22, 2015, at 9:00
9 a.m. The parties estimate that a jury trial will take
10 approximately five 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: March 18, 2014

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5 **WILLIAM B. SHUBB**
6 **UNITED STATES DISTRICT JUDGE**

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