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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LYTLE S. WILLIAMS,

 Plaintiff,

 v.

LONG CANYON VOLUNTEER FIRE
DEPARTMENT, a Colorado
corporation, and DOES 1
through 25, inclusive,

 Defendants.

No. 2:13-cv-02085-GEB-CMK

**STATUS (PRETRIAL SCHEDULING)
ORDER**

The status (pretrial scheduling) conference scheduled for hearing on January 21, 2014, is vacated since the parties' Joint Status Report filed on January 7, 2014 ("JSR") indicates the following Order should issue.

DOE DEFENDANTS, SERVICE, JOINDER OF ADDITIONAL PARTIES, AMENDMENT

The parties state in the JSR:

The parties are trying to determine who the actual "employer" was at the time of this incident. If it is determined that the employer in fact was an entity other than the Long Canyon Volunteer Fire Department, the parties intend to join that entity to this litigation. The parties anticipate needing 90 to 120 days to make this determination.

1 (JSR 1:20-26.)

2 Therefore, Plaintiff has until May 19, 2014, to file a
3 motion in which leave is sought under Federal Rule of Civil
4 Procedure 15(a) to file an Amended Complaint substituting a named
5 defendant in place of a Doe defendant. The referenced motion must
6 be noticed for hearing on the Court's earliest available law and
7 motion date. If leave is not sought as stated, Does 1 through 25
8 will be automatically dismissed from this action.

9 No further service, joinder of parties, or amendments
10 to pleadings is permitted, except with leave of Court for good
11 cause shown.

12 ADDED DEFENDANT'S OPPORTUNITY TO SEEK AMENDMENT OF THIS ORDER

13 If Plaintiff substitutes a named defendant in place of
14 a Doe defendant, a copy of this Order shall be served on that
15 defendant concurrently with the service of process.

16 That defendant has 30 days after said service within
17 which to file a "Notice of Proposed Modification of Status
18 Order." Although a newly-joined party's proposed modification
19 filed within this thirty day period will not have to meet the
20 good cause standard, no further amendments will be permitted,
21 except with leave of Court for good cause shown.

22 DISCOVERY

23 All discovery shall be completed by November 20, 2015.
24 "Completed" means all discovery shall be conducted so that any
25 dispute relative to discovery shall have been resolved by
26 appropriate orders, if necessary, and, where discovery has been
27 ordered, the order has been complied with on or before the
28 prescribed "completion" date.

1 final pretrial order without holding the scheduled final pretrial
2 conference. See Mizwicki v. Helwig, 196 F.3d 828, 833 (7th Cir.
3 1999) (“There is no requirement that the court hold a pretrial
4 conference.”).

5 Final pretrial procedures are “critical for ‘promoting
6 efficiency and conserving judicial resources by identifying the
7 real issues prior to trial, thereby saving time and expense for
8 everyone.’” Friedman & Friedman, Ltd. v. Tim McCandless, Inc.,
9 606 F.3d 494 (8th Cir. 2010) (quoting Fed. R. Civ. P. 16 Advisory
10 Committee Note (1983 Amendment to subdivision (c)). “Toward that
11 end, Rule 16 directs courts to use pretrial conferences to weed
12 out unmeritorious claims and defenses before trial begins.” Smith
13 v. Gulf Oil Co., 995 F.2d 638, 642 (6th Cir. 1993). The parties
14 are therefore provided notice that a claim or affirmative defense
15 may be dismissed *sua sponte* if it is not shown to be triable in
16 the joint final pretrial statement. Cf. Portland Retail Druggists
17 Ass’n v. Kaiser Found. Health Plan, 662 F.2d 641, 645 (9th Cir.
18 1981) (indicating that a party shall be provided notice and an
19 opportunity to respond with facts sufficient to justify having a
20 claim or affirmative defense proceed to trial); Portsmouth
21 Square, Inc. v. S’holders Protective Comm., 770 F.2d 866, 869
22 (9th Cir. 1985) (stating “the district court has . . . authority
23 to grant summary judgment *sua sponte* in the context of a final
24 pretrial conference”).

25 If feasible, at the time of filing the joint pretrial
26 statement counsel shall also email it in a format compatible with
27 WordPerfect to: geborders@caed.uscourts.gov.

28

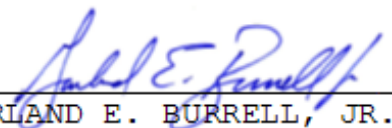
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TRIAL SETTING

Trial shall commence at 9:00 a.m. on June 21, 2016.

IT IS SO ORDERED.

Dated: January 15, 2014



GARLAND E. BURRELL, JR.
Senior United States District Judge