

1 IV. ADMINISTRATIVE RECORD

2 In agreeing that no need for additional discovery is indicated at this time, the
3 parties appear to concede that judicial review of agency decisions is limited to the
4 administrative record, unless a need to expand that record is demonstrated by the
5 parties. Consequently, the Court's review will be limited to the administrative record
6 unless good cause is found for augmentation of that record. Defendant shall provide
7 Plaintiff a copy of the entire administrative record by **May 5, 2014**. Plaintiff shall file any
8 objections to the adequacy of the Administrative Record by **June 5, 2014**. If the parties
9 are unable to resolve any dispute concerning the completeness or adequacy of the
10 Administrative Record, any motion must be filed by **June 26, 2014**. Any oppositions and
11 replies shall be filed in accordance with Local Rule 230. Defendant shall certify and
12 lodge an electronic copy of the complete Administrative Record on CD/DVD or portable
13 hard drive with the Court by **August 7, 2014**.

14 V. MOTION HEARING SCHEDULE

15 The parties' opening briefs shall be filed by **August 7, 2014**. Oppositions shall be
16 filed by **August 21, 2014**. Hearing on such motions shall be on **September 4, 2014, at**
17 **2:00 p.m.** All papers should be filed in conformity with the Local Rules.

18 All purely legal issues are to be resolved by timely pretrial motions. Failure to
19 comply with Local Rules 230 and 260, as modified by this Order, may be deemed
20 consent to the motion and the Court may dispose of the motion summarily. Further,
21 failure to timely oppose a summary judgment motion¹ may result in the granting of that
22 motion if the movant shifts the burden to the nonmovant to demonstrate that a genuine
23 issue of material fact remains for trial.

24 The Court places a page limit for points and authorities (exclusive of exhibits and
25 other supporting documentation) of twenty (20) pages on all initial moving papers, twenty
26 (20) pages on oppositions, and ten (10) pages for replies. All requests for page limit

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28 ¹ The Court urges any party that contemplates bringing a motion for summary judgment or who
must oppose a motion for summary judgment to review Local Rule 260.

1 increases must be made in writing to the Court setting forth any and all reasons for any
2 increase in page limit at least fourteen (14) days prior to the filing of the motion.

3 For the Court's convenience, citations to the Supreme Court Lexis database
4 should include parallel citations to the Westlaw database.

5 VI. MODIFICATION OF SCHEDULING ORDER


6 The parties are reminded that pursuant to Rule 16(b) of the Federal Rules of Civil
7 Procedure, the Scheduling Order shall not be modified except by leave of court upon a
8 showing of good cause. Agreement by the parties pursuant to stipulation alone to
9 modify the Scheduling Order does not constitute good cause. Except in extraordinary
10 circumstances, unavailability of witnesses or counsel will not constitute good cause.

11 VII. OBJECTIONS TO PRETRIAL SCHEDULING ORDER

12 This Scheduling Order will become final without further order of the Court unless
13 objections are filed within seven (7) court days of service of this Order.

14 IT IS SO ORDERED.

15 Dated: April 2, 2014

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19 MORRISON C. ENGLAND, JR., CHIEF JUDGE
20 UNITED STATES DISTRICT COURT
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