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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RUBY BRADLEY,

Plaintiff,

v.

COUNTY OF SACRAMENTO
DEPARTMENT OF HUMAN
ASSISTANCE OF NORTHERN
CALIFORNIA WELFARE DIVISION, et
al.,

Defendants.

No. 2:13-cv-2420 TLN CKD PS (TEMP)

ORDER

STATUS (PRETRIAL SCHEDULING) ORDER

READ THIS ORDER CAREFULLY. IT CONTAINS IMPORTANT DATES WHICH THE COURT WILL STRICTLY ENFORCE AND WITH WHICH ALL PARTIES MUST COMPLY. A FAILURE TO COMPLY WITH THE TERMS OF THIS ORDER MAY RESULT IN THE IMPOSITION OF MONETARY AND ALL OTHER SANCTIONS WITHIN THE POWER OF THE COURT, INCLUDING DISMISSAL OR AN ORDER OF JUDGMENT.

Pursuant to court order, a Status (Pretrial Scheduling) Conference was held on November 6, 2015. Plaintiff Ruby Bradley appeared telephonically in propria persona. Attorney Chambord Benton-Hayes appeared in person for defendants.

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1 After hearing, the court makes the following findings and orders:

2 **SERVICE OF PROCESS**

3 Defendants have been served and no further service is permitted except with leave of
4 court, good cause having been shown.

5 **JOINDER OF PARTIES/AMENDMENTS**

6 No further joinder of parties or amendments to pleadings is permitted except with leave of
7 court, good cause having been shown.

8 **JURISDICTION/VENUE**

9 Jurisdiction over this action is predicated on the court's federal question jurisdiction
10 pursuant to 28 U.S.C. § 1331. Defendants do not dispute either jurisdiction or venue and both
11 appear to be proper.

12 **DISCOVERY**

13 The parties shall make initial disclosures under Federal Rule of Civil Procedure 26 no
14 later than 28 days from the date of the November 6, 2015 hearing. Plaintiff shall disclose experts
15 no later than May 6, 2016. Defendants shall disclose experts no later than May 20, 2016.
16 Rebuttal experts shall be disclosed no later than May 27, 2016. All discovery is left open, save
17 and except that it shall be so conducted as to be completed by July 1, 2016. The word
18 "completed" means that all discovery shall have been conducted so that all depositions have been
19 taken and any disputes relative to discovery shall have been resolved by appropriate order if
20 necessary and, where discovery has been ordered, the order has been complied with.

21 **MOTION HEARING SCHEDULE**

22 All law and motion except as to discovery is left open, save and except that it shall be
23 conducted so as to be completed by August 19, 2016. The word "completed" in this context
24 means that all law and motion matters must be heard by the above date. The parties are cautioned
25 to refer to the local rules regarding the requirements for noticing such motions on the court's
26 regularly scheduled law and motion calendar. This paragraph does not preclude motions for
27 continuances, temporary restraining orders or other emergency applications, and is subject to any
28 special scheduling set forth in the "MISCELLANEOUS PROVISIONS" paragraph below.

1 The parties should keep in mind that the purpose of law and motion is to narrow and
2 refine the legal issues raised by the case, and to dispose of by pretrial motion those issues that are
3 susceptible to resolution without trial. To accomplish that purpose, the parties need to identify
4 and fully research the issues presented by the case, and then examine those issues in light of the
5 evidence gleaned through discovery. If it appears after examining the legal issues and facts that
6 an issue can be resolved by pretrial motion, the parties are to file the appropriate motion by the
7 law and motion cutoff set forth supra.

8 **ALL PURELY LEGAL ISSUES ARE TO BE RESOLVED BY TIMELY PRETRIAL**
9 **MOTION.** The parties are reminded that motions in limine are procedural devices designed to
10 address the admissibility of evidence. **THE PARTIES ARE CAUTIONED THAT THE COURT**
11 **WILL LOOK WITH DISFAVOR UPON SUBSTANTIVE MOTIONS PRESENTED IN THE**
12 **GUISE OF MOTIONS IN LIMINE AT THE TIME OF TRIAL.**

13 **FINAL PRETRIAL CONFERENCE**

14 The Final Pretrial Conference is set for October 20, 2016 at 2:00 p.m. in courtroom no. 2
15 before the Honorable Troy L. Nunley. Trial counsel shall appear at the Final Pretrial Conference.

16 The parties are to be fully prepared for trial at the time of the Pretrial Conference, with no
17 matters remaining to be accomplished except production of witnesses for oral testimony. The
18 parties are referred to Local Rules 281 and 282 relating to the contents of and time for filing
19 Pretrial Statements. **A FAILURE TO COMPLY WITH LOCAL RULES 281 AND 282 WILL**
20 **BE GROUNDS FOR SANCTIONS.**

21 Notwithstanding the provisions of Local Rule 281, which contemplates the filing of
22 separate Pretrial Statements by plaintiffs and defendants, the parties are to prepare a **JOINT**
23 **STATEMENT** with respect to the undisputed facts and disputed factual issues of the case. The
24 undisputed facts and disputed factual issues are to be set forth in two separate sections. The
25 parties should identify those facts which are relevant to each separate cause of action. In this
26 regard, the parties are to number each individual fact or factual issue. Where the parties are
27 unable to agree as to what factual issues are properly before the court for trial, they should
28 nevertheless list in the section on “DISPUTED FACTUAL ISSUES” all issues asserted by any of

1 the parties and explain by parenthetical the controversy concerning each issue. The parties should
2 keep in mind that, in general, each fact should relate or correspond to an element of the relevant
3 cause of action. The parties should also keep in mind that the purpose of listing the disputed
4 factual issues is to apprise the court and all parties about the precise issues that will be litigated at
5 trial. The court is not interested in a listing of all evidentiary facts underlying the issues that are
6 in dispute. However, with respect to the listing of undisputed facts, the court will accept
7 agreements as to evidentiary facts. The joint statement of undisputed facts and disputed factual
8 issues is to be filed with the court concurrently with the filing of plaintiff's Pretrial Statement. If
9 the case is tried to a jury, the undisputed facts will be read to the jury.

10 Pursuant to Local Rule 281(b)(10) and (11), the parties are required to provide in their
11 Pretrial Statements a list of witnesses and exhibits that they propose to proffer at trial, no matter
12 for what purpose. These lists shall not be contained in the Pretrial Statement itself, but shall be
13 attached as separate documents to be used as addenda to the Final Pretrial Order. Plaintiff's
14 exhibits shall be listed numerically; defendants' exhibits shall be listed alphabetically. The
15 Pretrial Order will contain a stringent standard for the proffering of witnesses and exhibits at trial
16 not listed in the Pretrial Order. Counsel are cautioned that the standard will be strictly applied.
17 On the other hand, the listing of exhibits or witnesses which counsel do not intend to call or use
18 will be viewed as an abuse of the court's processes.

19 The parties are also reminded that, pursuant to Fed. R. Civ. P. 16, it will be their duty at
20 the Pretrial Conference to aid the court in (a) formulation and simplification of issues and the
21 elimination of frivolous claims or defenses; (b) settling of facts which should be properly
22 admitted; and (c) the avoidance of unnecessary proof and cumulative evidence. The parties must
23 prepare their Pretrial Statements, and participate in good faith at the Pretrial Conference, with
24 these aims in mind. A FAILURE TO DO SO MAY RESULT IN THE IMPOSITION OF
25 SANCTIONS which may include monetary sanctions, orders precluding proof, eliminations of
26 claims or defenses, or such other sanctions as the court deems appropriate.

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1 **TRIAL SETTING**

2 Trial is set on January 17, 2017 at 9:00 a.m. in courtroom no. 2 before the Honorable Troy
3 L. Nunley. Trial will be by jury and is estimated to last 5 days.

4 **SETTLEMENT CONFERENCE**

5 If the parties determine a settlement conference would be beneficial, the courtroom deputy
6 may be contacted to arrange a date for the settlement conference. In absence of a waiver of
7 disqualification of the undersigned, the settlement conference will be set before another
8 magistrate judge.

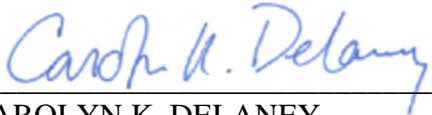
9 **MISCELLANEOUS PROVISIONS**

10 There appear to be no other matters presently pending before the court that will aid the
11 just and expeditious disposition of this matter.

12 Pursuant to Fed. R. Civ. P. 16(b), THE COURT SUMMARIZES THE SCHEDULING
13 ORDER AS FOLLOWS:

- 14 1. Initial disclosures shall be made no later than 28 days from November 6, 2015.
- 15 2. Plaintiff shall disclose experts no later than May 6, 2016.
- 16 3. Defendants shall disclose experts no later May 20, 2016.
- 17 4. Rebuttal experts shall be disclosed no later than May 27, 2016.
- 18 5. Discovery shall be completed by July 1, 2016.
- 19 6. All pretrial motions, except motions to compel discovery, shall be completed by
20 August 19, 2016.
- 21 7. Final pretrial conference is set for October 20, 2016 at 10:00 a.m. in courtroom no. 2
22 before the Honorable Troy L. Nunley.
- 23 8. This matter is set for jury trial on January 17, 2017 at 9:00 a.m. in courtroom no. 2
24 before the Honorable Troy L. Nunley.

25 Dated: November 10, 2015

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28 CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE