8   UNITED STATES DISTRICT COURT

9   FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11   KHALID KHAN,   No. 2:13-cv-2596 KJM CKD PS

12   Plaintiff,

13   v.   ORDER

14   U.S. BANK NATIONAL ASSOCIATION,
     et al.,
15
              Defendants.
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18   By order filed June 5, 2014, this matter was reopened and referred to the undersigned for

19   further proceedings. This matter is proceeding on the first amended complaint filed on February

20   10, 2014. Pursuant to the provisions of Federal Rule of Civil Procedure 16 and Local Rule 240,

21   IT IS HEREBY ORDERED that:

22   1. The Clerk of the Court is directed to issue and send plaintiff one summons for each

23   defendant named in the amended complaint. Plaintiff shall complete service of process on

24   defendants named in the amended complaint within 120 days. Plaintiff is cautioned that this

25   action may be dismissed if service of process is not accomplished within 120 days from the date

26   of this order.[1] See Fed. R. Civ. P. 4(m).

27   _____

28   [1] This action was filed December 16, 2013. The undersigned recommended dismissal for lack of
     subject matter jurisdiction on January 6, 2014. The District Judge adopted the findings and

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2. Plaintiff shall serve a copy of this order and a copy of the form "Consent to Proceed Before United States Magistrate Judge" concurrently with service of process, and file with the Clerk a certificate of such service. In addition, concurrent with service of process, plaintiff shall serve on defendants a copy of the order filed June 5, 2014 (ECF No. 17).[2]

3. Failure to comply with the Federal Rules of Civil Procedure or Local Rules of Practice for the United States District Court, Eastern District of California, or orders of this court, may result in dismissal of this action. Even parties without counsel will be expected to comply with the procedural rules.

4. A Status (Pretrial Scheduling) Conference is set for November 19, 2014 at 10:00 a.m. in courtroom no. 24 before the undersigned. All parties shall appear by counsel or in person if acting without counsel.

5. Not later than fourteen (14) days prior to the Status Conference, the parties shall file status reports addressing the following matters:

      a. Service of process;

      b. Possible joinder of additional parties;

      c. Any expected or desired amendment of the pleadings;

      d. Jurisdiction and venue;

      e. Anticipated motions and their scheduling;

      f. The report required by Federal Rule of Civil Procedure 26

outlining the proposed discovery plan and its scheduling, including

disclosure of expert witnesses;

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recommendations and the case was closed on April 1, 2014. Because of this procedural history, the court is allowing an additional time period of 120 days from the date of this order to complete service of process.

[2] The June 5, 2014 order directs defendant U.S. Bank N.A. to file its articles of association with the court within seven days of the date of the order. Because defendant U.S. Bank N.A. has not yet been served with process and has yet to appear in this action, the order was not served on defendant. Its failure to timely comply with the District Judge's order is therefore excused. Defendant U.S. Bank N.A. shall comply with the June 5, 2014 order within seven days of properly being served with said order.

1   g. Future proceedings, including setting appropriate cut-off dates for

2 discovery and law and motion, and the scheduling of a pretrial

3 conference and trial;

4   h. Special procedures, if any;

5   i. Estimated trial time;

6   j. Modification of standard pretrial procedures specified by the rules

7 due to the simplicity or complexity of the proceedings;

8   k. Whether the case is related to any other cases, including

9 bankruptcy;

10   l. Whether a settlement conference should be scheduled;

11   m. Whether counsel will stipulate to the magistrate judge assigned to

12 this matter acting as settlement judge and waiving disqualification by virtue of her so

13 acting, or whether they prefer to have a settlement conference before another judge;

14   n. Any other matters that may add to the just and expeditious

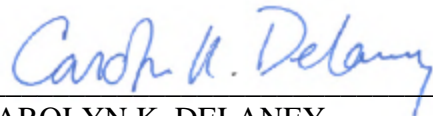15 disposition of this matter.

16   6. Plaintiff and counsel are reminded of their continuing duty to notify chambers

17 immediately of any settlement or other disposition (see Local Rule 160). In addition, the parties

18 are cautioned that pursuant to Local Rule 230(c), opposition to the granting of a motion must be

19 filed fourteen days preceding the noticed hearing date. The Rule further provides that "[n]o party

20 will be entitled to be heard in opposition to a motion at oral arguments if written opposition to the

21 motion has not been timely filed by that party." Moreover, Local Rule 230(i) provides that

22 failure to appear may be deemed withdrawal of opposition to the motion or may result in

23 sanctions. Finally, Local Rule 110 provides that failure to comply with the Local Rules "may be

24 grounds for imposition of any and all sanctions authorized by statute or Rule or within the

25 inherent power of the Court."

26   7. The parties are informed that they may, if all consent, have this case tried by a United

27 States Magistrate Judge while preserving their right to appeal to the Ninth Circuit Court of

28 Appeals. See 28 U.S.C. § 636(c). The form for consent to trial by a magistrate judge is attached.

1   Any party choosing to consent may complete the form and return it to the Clerk of the Court.

2   8. The Clerk of the Court is directed to send plaintiff copies (one for each defendant plus

3   one for the plaintiff) of the form, "Consent to Proceed Before United States Magistrate Judge,"

4   with this order.

5   Dated: June 11, 2014

6   _____
     CAROLYN K. DELANEY

7   UNITED STATES MAGISTRATE JUDGE

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