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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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THE PLANE EXCHANGE, INC.
Plaintiff,
v.
PAUL FRANCOIS,
Defendant.

ORDER CONSOLIDATING CASES AND
AMENDED SCHEDULING ORDER

CIV. NO. 2:14-784 WBS KJN

PAUL FRANCOIS,
Plaintiff,
v.
CRAIG VINCENT,
Defendant.

CIV. NO. 2:14-1517 WBS KJN

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Having received the parties' joint statement regarding consolidation, the court hereby enters the following Orders and schedule in the above-captioned cases.

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I. CONSOLIDATION

For the reasons expressed in its earlier Order inviting the parties to express their views on consolidation, the two above-captioned cases are hereby ordered consolidated pursuant to Federal Rule of Civil Procedure 42(a)(2) for all purposes, and the disposition will take the form of a single judgment that will apply to both cases. The main case number will now be 2:14-784 and all documents shall be filed on that docket; however, counsel are instructed to include both case numbers on all filings.

II. DISCOVERY

The parties shall serve the initial disclosures required by Federal Rule of Civil Procedure 26(a)(1) by no later than July 28, 2014.

The parties shall disclose experts and produce reports in accordance with Federal Rule of Civil Procedure 26(a)(2) by no later than November 7, 2014. With regard to expert testimony intended solely for rebuttal, those experts shall be disclosed and reports produced in accordance with Federal Rule of Civil Procedure 26(a)(2) on or before November 21, 2014.

All discovery in the now-consolidated matter, including depositions for preservation of testimony, is left open, save and except that it shall be so conducted as to be completed by December 31, 2014. The word "completed" means that all discovery shall have been conducted so that all depositions have been taken and any disputes relevant to discovery shall have been resolved by appropriate order if necessary and, where discovery has been ordered, the order has been obeyed. All motions to compel discovery must be noticed on the magistrate judge's calendar in

1 accordance with the local rules of this court and so that such
2 motions may be heard (and any resulting orders obeyed) not later
3 than December 31, 2014.

4 III. MOTION HEARING SCHEDULE

5 All motions, except motions for continuances, temporary
6 restraining orders, or other emergency applications, shall be
7 filed on or before February 23, 2015. All motions shall be
8 noticed for the next available hearing date. Counsel are
9 cautioned to refer to the local rules regarding the requirements
10 for noticing and opposing such motions on the court's regularly
11 scheduled law and motion calendar.

12 IV. FINAL PRETRIAL CONFERENCE

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

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

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

8 V. TRIAL SETTING

9 The jury trial is set for May 27, 2015, at 9:00 a.m.
10 The parties request a jury trial and estimate that the trial will
11 last between four and six days.

12 VI. SETTLEMENT CONFERENCE

13 A Settlement Conference will be set at the time of the
14 Pretrial Conference. All parties should be prepared to advise
15 the court whether they will stipulate to the trial judge acting
16 as settlement judge and waive disqualification by virtue thereof.

17 Counsel are instructed to have a principal with full
18 settlement authority present at the Settlement Conference or to
19 be fully authorized to settle the matter on any terms. At least
20 seven calendar days before the Settlement Conference counsel for
21 each party shall submit a confidential Settlement Conference
22 Statement for review by the settlement judge. If the settlement
23 judge is not the trial judge, the Settlement Conference
24 Statements shall not be filed and will not otherwise be disclosed
25 to the trial judge.

26 VII. MODIFICATIONS TO SCHEDULING ORDER

27 Any requests to modify the dates or terms of this
28 Scheduling Order, except requests to change the date of the

1 trial, may be heard and decided by the assigned Magistrate Judge.
2 All requests to change the trial date shall be heard and decided
3 only by the undersigned judge.

4 IT IS THEREFORE ORDERED that Plane Exchange, Inc. v.
5 Francois, Civ. No. 2:14-784 WBS KJN, and Francois v. Vincent,
6 Civ. No. 2:14-1517 WBS KJN be, and the same hereby are,
7 CONSOLIDATED for all purposes. The Clerk of the Court is
8 instructed to administratively close the 2:14-1517 case. All
9 documents shall be filed and docketed in the 2:14-784 case. All
10 dates currently set in the 2:14-1517 case are hereby VACATED.

11 Dated: July 18, 2014

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13 **WILLIAM B. SHUBB**
14 **UNITED STATES DISTRICT JUDGE**

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