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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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CONCRETE WASHOUT SYSTEMS,
INC., a California
corporation,

 Plaintiff,

 v.

TERRELL MORAN, INC., TMI
SERVICES TRUCKS & EQUIPMENT
RETNALS LLC, TMI CONCRETE
WASHOUT TRUCKS & EQUIPMENT
RENTALS LLC, TERRELL MORAN,
TODD TERMINI, and Does 1-100,

 Defendants.

CIV. NO. 2:14-00830 WBS CKD

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STATUS (PRETRIAL SCHEDULING) ORDER

The court has reviewed the Second Amended Joint Status Report ("SAJSR") submitted by plaintiff Concrete Washout Systems, Inc. and defendants Terrell Moran and Terrell Moran, Inc. (Docket No. 26.) The SAJSR indicates that defendants Trucks and Equipment Rentals LLC (erroneously named "TMI Services Trucks &

1 Equipment Rentals LLC" in the Complaint) and Trucks And Machinery
2 for Industry LLC (erroneously named "TMI Concrete Washout &
3 Equipment Rentals LLC" in the Complaint) declined to sign the
4 SAJSR or suggest any changes. (SAJSR at 2.) The court hereby
5 vacates the Status (Pretrial Scheduling) Conference scheduled for
6 January 20, 2015, and makes the following findings and orders
7 without needing to consult with the parties any further.

8 I. SERVICE OF PROCESS

9 The SAJSR indicates that all parties have been served.
10 No further service is permitted without leave of court, good
11 cause having been shown under Federal Rule of Civil Procedure
12 16(b).

13 II. JOINDER OF PARTIES/AMENDMENTS

14 Plaintiff states that it will amend its Complaint to
15 reflect the true names of Trucks and Equipment Rentals LLC and
16 Trucks And Machinery for Industry LLC. After January 26, 2015,
17 no further joinder of parties or amendments to pleadings will be
18 permitted except with leave of court, good cause having been
19 shown under Federal Rule of Civil Procedure 16(b). See Johnson
20 v. Mammoth Recreations, Inc., 975 F.2d 604 (9th Cir. 1992).

21 III. JURISDICTION/VENUE

22 Plaintiff predicates jurisdiction on 28 U.S.C. §§ 1331
23 and 1338, because this case arises under an Act of Congress
24 relating to patents and plaintiff alleges patent infringement
25 pursuant to 35 U.S.C. § 271. Defendants Terrell Moran and
26 Terrell Moran, Inc. have consented to venue in this district.

27 Defendants Trucks and Equipment Rentals LLC and Trucks
28 And Machinery for Industry LLC have moved to dismiss pursuant to

1 Federal Rule of Civil Procedure 12(b)(2) for lack of personal
2 jurisdiction. (Docket No. 24.) That motion is currently set for
3 hearing before this court on February 9, 2015, at 2:00 p.m.

4 IV. DISCOVERY

5 The parties shall serve the initial disclosures
6 required by Federal Rule of Civil Procedure 26(a)(1) by no later
7 than March 2, 2015.

8 The parties shall disclose experts and produce reports
9 in accordance with Federal Rule of Civil Procedure 26(a)(2) by no
10 later than June 30, 2015. With regard to expert testimony
11 intended solely for rebuttal, those experts shall be disclosed
12 and reports produced in accordance with Federal Rule of Civil
13 Procedure 26(a)(2) on or before July 30, 2015.

14 All discovery, including depositions for preservation
15 of testimony, is left open, save and except that it shall be so
16 conducted as to be completed by August 31, 2015. The word
17 "completed" means that all discovery shall have been conducted so
18 that all depositions have been taken and any disputes relevant to
19 discovery shall have been resolved by appropriate order if
20 necessary and, where discovery has been ordered, the order has
21 been obeyed. All motions to compel discovery must be noticed on
22 the magistrate judge's calendar in accordance with the local
23 rules of this court and so that such motions may be heard (and
24 any resulting orders obeyed) not later than August 31, 2015.

25 V. MOTION HEARING SCHEDULE

26 All motions, except motions for continuances, temporary
27 restraining orders, or other emergency applications, shall be
28 filed on or before November 2, 2015. All motions shall be

1 noticed for the next available hearing date. Counsel are
2 cautioned to refer to the local rules regarding the requirements
3 for noticing and opposing such motions on the court's regularly
4 scheduled law and motion calendar.

5 VI. FINAL PRETRIAL CONFERENCE

6 The Final Pretrial Conference is set for January 4,
7 2016, at 2:00 p.m. in Courtroom No. 5. The conference shall be
8 attended by at least one of the attorneys who will conduct the
9 trial for each of the parties and by any unrepresented parties.

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

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

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VII. TRIAL SETTING

The bench trial is set for March 8, 2016, at 9:00 a.m. No party has requested a jury trial, and the parties estimate that the trial will take one day.

VIII. SETTLEMENT CONFERENCE


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

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

IX. MODIFICATIONS TO SCHEDULING ORDER

Any requests to modify the dates or terms of this Scheduling Order, except requests to change the date of the trial, may be heard and decided by the assigned Magistrate Judge. All requests to change the trial date shall be heard and decided only by the undersigned judge.

Dated: January 14, 2015



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE