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8	UNITED STATE	ES DISTRICT COURT
9	EASTERN DISTR	RICT OF CALIFORNIA
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11	AARON GARDNER, individually	No. 2:14-cv-01159-TLN-DAD
12	and on behalf of all others similarly situated,	
13	Plaintiff,	PRETRIAL SCHEDULING ORDER
14	v.	
15 16	JUDSON ENTERPRISES, INC., d/b/a K-DESIGNERS, a Montana corporation,	
17	Defendant.	
18		
19	After reviewing the partie	es' Joint Status Report, the Court
20	makes the following Pretrial Scheduling Order.	
21	I. <u>SERVICE OF PROCESS</u>	
22	All named Defendants have	been served and no further service
23	is permitted without leave of court, good cause having been	
24	shown.	
25	II. ADDITIONAL PARTIES/	AMENDMENTS/PLEADINGS
26	No joinder of parties or amendments to pleadings is	
27	permitted without leave of court, good cause having been shown.	
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1	III. JURISDICTION/VENUE		
2	Jurisdiction is predicated upon 28 U.S.C. § 1331.		
3	Jurisdiction and venue are not contested.		
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5	PHASE I - CLASS CERTIFICATION		
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7	IV. <u>DISCOVERY</u>		
8	The Court hereby bifurcates the discovery process. All		
9	discovery in Phase I shall be limited to facts that are relevant		
10	to whether this action should be certified as a class action and		
11	shall be completed by March 4, 2015. In this context,		
12	"completed" means that all discovery shall have been conducted so		
13	that all depositions have been taken and any disputes relative to		
14	discovery shall have been resolved by appropriate order if		
15	necessary and, where discovery has been ordered, the order has		
16	been obeyed. All motions to compel discovery must be noticed on		
17	the magistrate judge's calendar in accordance with the local		
18	rules of this Court.		
19	V. <u>DISCLOSURE OF EXPERT WITNESSES</u>		
20	All counsel are to designate in writing, file with the		
21	Court, and serve upon all other parties the name, address, and		
22	area of expertise of each expert that they propose to tender at		
23	class certification not later than April 29, 2015. ¹ The		
24	designation shall be accompanied by a written report prepared and		
25	signed by the witness. The report shall comply with Fed. R. Civ.		
26	P. 26(a)(2)(B).		
27	¹ The discovery of experts will include whether any motions based on		

^{28 &}lt;u>Daubert v. Merrell Dow Pharmaceuticals, Inc.</u>, 509 U.S. 579 (1993) and/or <u>Kumho Tire Co. v. Carmichael</u>, 119 S. Ct. 1167 (1999) are anticipated.

Within twenty (20) days after the designation of expert 1 witnesses, any party may designate a supplemental list of expert 2 3 witnesses who will express an opinion on a subject covered by an expert designated by an adverse party. The right to designate a 4 5 supplemental expert for rebuttal purposes only shall apply to a party who has not previously disclosed an expert witness on the 6 7 date set for expert witness disclosure by this Pretrial Scheduling Order. 8

For purposes of this Pretrial Scheduling Order, an "expert" 9 10 is any person who may be used at trial to present evidence under 11 Rules 702, 703, and 705 of the Federal Rules of Evidence, which 12 include both "percipient experts" (persons who, because of their 13 expertise, have rendered expert opinions in the normal course of 14 their work duties or observations pertinent to the issues in the 15 case) and "retained experts" (persons specifically designated by 16 a party to be a testifying expert for the purposes of 17 litigation).

Each party shall identify whether a disclosed expert is percipient, retained, or both. It will be assumed that a party designating a retained expert has acquired the express permission of the witness to be so listed. Parties designating percipient experts must state in the designation who is responsible for arranging the deposition of such persons.

All experts designated are to be fully prepared at the time of designation to render an informed opinion, and give their bases for their opinion, so that they will be able to give full and complete testimony at any deposition taken by the opposing party.

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VI. <u>CLASS CERTIFICATION</u>

2	The Motion for Class Certification shall be filed by July	
3	28, 2015. The parties are responsible for ensuring that all	
4	motions are filed to allow for proper notice of the hearing under	
5	the Federal Rules of Civil Procedure and/or Local Rules. Local	
б	Rule 230 governs the calendaring and procedures of civil motions	
7	with the addition that when the last day for filing an opposition	
8	brief falls on a legal holiday, the opposition brief shall be	
9	filed on the last court day immediately preceding the legal	
10	holiday.	
11	Failure to comply with Local Rule 230(c), may be deemed	
12	consent to the motion and the Court may dispose of the motion	
13	summarily.	
14	VII. <u>POST-CERTIFICATION CASE ACTIVITY</u>	
15	All other necessary dates and deadlines, including dates for	
16	the Final Pretrial Conference and Trial, along with all deadlines	
17	associated therewith, will be set by a Supplemental Pretrial	
18	Scheduling Order to be issued following the Class Certification	
19	hearing.	
20	VIII. OBJECTIONS TO PRETRIAL SCHEDULING ORDER	
21	This Pretrial Scheduling Order will become final without	
22	further order of the Court unless objections are filed within	
23	fourteen (14) days of service of this Order.	
24	IT IS SO ORDERED.	
25	DATED: September 8, 2014	
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27	Troy L. Nunley United States District Judge	
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