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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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SCOTT JOHNSON,  
Plaintiff,  
  
v.  
  
LEONCIO NATERAS RUIZ; MARIA  
ISABEL RUIZ; ROBERT DEVITA;  
and DOES 1-10,  
  
Defendants.

NO. CIV. 2:14-1663 WBS AC

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STATUS (PRETRIAL SCHEDULING) ORDER

After reviewing the parties' Joint Status Report, the court hereby vacates the Status (Pretrial Scheduling) Conference scheduled for November 10, 2014, and makes the following findings and orders without needing to consult with the parties any further.

I. SERVICE OF PROCESS

All named defendants have been served, and no further

1 service is permitted without leave of court, good cause having  
2 been shown under Federal Rule of Civil Procedure 16(b).

3 II. JOINDER OF PARTIES/AMENDMENTS

4 No further joinder of parties or amendments to  
5 pleadings will be permitted except with leave of court, good  
6 cause having been shown under Federal Rule of Civil Procedure  
7 16(b). See Johnson v. Mammoth Recreations, Inc., 975 F.2d 604  
8 (9th Cir. 1992).

9 III. JURISDICTION/VENUE

10 Jurisdiction is predicated upon federal question  
11 jurisdiction, 28 U.S.C. §§ 1331, 1343, because plaintiff's claims  
12 arise under the Americans with Disabilities Act, 42 U.S.C. §  
13 12101 et seq. Supplemental jurisdiction is predicated upon 28  
14 U.S.C. § 1367. Venue is undisputed and is hereby found to be  
15 proper.

16 IV. SETTLEMENT CONFERENCE

17 The court has determined that this case is appropriate  
18 for an early settlement conference. The parties shall contact  
19 the assigned magistrate judge's courtroom deputy no later than  
20 December 8, 2014, by phone or email to schedule an early  
21 settlement conference. Contact information for the assigned  
22 magistrate judge is available at [www.caed.uscourts.gov](http://www.caed.uscourts.gov) under the  
23 "Judges" tab.

24 At the settlement conference, each party is ordered to  
25 have a principal with full settlement authority present at the  
26 conference or be fully authorized to settle the matter on any  
27 terms. No later than seven days before the date of the  
28 Settlement Conference, counsel for each party shall submit a

1 confidential Settlement Conference Statement to the settlement  
2 judge. Such statements shall not be filed, but shall be  
3 delivered to the chambers of the settlement judge, in hard copy.

4 V. DISCOVERY

5 The parties indicate that they have served the initial  
6 disclosures required by Federal Rule of Civil Procedure 26(a)(1).  
7 Any initial disclosures that were not served shall be served no  
8 later than November 21, 2014.

9 Plaintiff requests that the number of interrogatories  
10 under Federal Rule of Civil Procedure 33(a)(1) be increased to  
11 forty-five for both parties. Because defendant does not oppose  
12 this request, the court will approve the additional twenty  
13 interrogatories for both parties.

14 The parties shall disclose experts and produce reports  
15 in accordance with Federal Rule of Civil Procedure 26(a)(2) by no  
16 later than March 20, 2015. With regard to expert testimony  
17 intended solely for rebuttal, those experts shall be disclosed  
18 and reports produced in accordance with Federal Rule of Civil  
19 Procedure 26(a)(2) on or before April 10, 2015.

20 All discovery, including depositions for preservation  
21 of testimony, is left open, save and except that it shall be so  
22 conducted as to be completed by April 30, 2015. The word  
23 "completed" means that all discovery shall have been conducted so  
24 that all depositions have been taken and any disputes relevant to  
25 discovery shall have been resolved by appropriate order if  
26 necessary and, where discovery has been ordered, the order has  
27 been obeyed. All motions to compel discovery must be noticed on  
28 the magistrate judge's calendar in accordance with the local

1 rules of this court and so that such motions may be heard (and  
2 any resulting orders obeyed) not later than April 30, 2015.

3 VI. MOTION HEARING SCHEDULE

4 All motions, except motions for continuances, temporary  
5 restraining orders, or other emergency applications, shall be  
6 filed on or before May 29, 2015. All motions shall be noticed  
7 for the next available hearing date. Counsel are cautioned to  
8 refer to the local rules regarding the requirements for noticing  
9 and opposing such motions on the court's regularly scheduled law  
10 and motion calendar.

11 VII. FINAL PRETRIAL CONFERENCE

12 The Final Pretrial Conference is set for August 3,  
13 2015, at 2:00 p.m. in Courtroom No. 5. The conference shall be  
14 attended by at least one of the attorneys who will conduct the  
15 trial for each of the parties and by any unrepresented parties.

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

28 In providing the plain, concise statements of

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


7 VIII. TRIAL SETTING

8 The jury trial is set for October 6, 2015, at 9:00 a.m.  
9 The parties estimate that a jury trial will last three to five  
10 days.

11 IX. MODIFICATIONS TO SCHEDULING ORDER

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

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18 Dated: November 5, 2014

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20 WILLIAM B. SHUBB  
21 UNITED STATES DISTRICT JUDGE  
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