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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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SCOTT JOHNSON,
Plaintiff,
v.
PRB MANAGEMENT, LLC, a
California Limited Liability
Company; Does 1-10,
Defendants.

CIV. NO. 2:14-1895 WBS CKD

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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 December 22, 2014, and makes the following findings and orders without needing to consult with the parties any further.

1 I. SERVICE OF PROCESS

2 The parties indicate that all defendants have been
3 served. No further service is permitted without leave of court,
4 good cause having been shown under Federal Rule of Civil
5 Procedure 16(b).

6 II. JOINDER OF PARTIES/AMENDMENTS

7 No further joinder of parties or amendments to
8 pleadings will be permitted except with leave of court, good
9 cause having been shown under Federal Rule of Civil Procedure
10 16(b). See Johnson v. Mammoth Recreations, Inc., 975 F.2d 604
11 (9th Cir. 1992).

12 III. JURISDICTION/VENUE

13 Jurisdiction is predicated upon federal question
14 jurisdiction, 28 U.S.C. § 1331, because plaintiff asserts a cause
15 of action pursuant to the Americans with Disabilities Act of
16 1990, 42 U.S.C. § 12101, et seq. The court has supplemental
17 jurisdiction pursuant to 28 U.S.C. § 1367(a) over the claims
18 brought under the Unruh Act, Cal. Civ. Code §§ 51-52, and the
19 California Disabled Persons Act, Cal. Civ. Code §§ 54-54.8.
20 Venue is undisputed and is hereby found to be proper.

21 IV. DISCOVERY

22 The parties indicate that initial disclosures were
23 exchanged on December 17, 2014. Any additional initial
24 disclosures required by Federal Rule of Civil Procedure 26(a)(1)
25 shall be exchanged by no later than December 31, 2014.

26 The parties shall disclose experts and produce reports
27 in accordance with Federal Rule of Civil Procedure 26(a)(2) by no
28 later than March 2, 2015. With regard to expert testimony

1 intended solely for rebuttal, those experts shall be disclosed
2 and reports produced in accordance with Federal Rule of Civil
3 Procedure 26(a)(2) on or before April 1, 2015.

4 Plaintiff's request that the number of interrogatories
5 under Federal Rule of Civil Procedure 33(a)(1) be increased to 45
6 is denied. Plaintiff has presented no reason or basis for
7 expanding the default discovery limits. All discovery, including
8 depositions for preservation of testimony, is left open, save and
9 except that it shall be so conducted as to be completed by May 1,
10 2015. The word "completed" means that all discovery shall have
11 been conducted so that all depositions have been taken and any
12 disputes relevant to discovery shall have been resolved by
13 appropriate order if necessary and, where discovery has been
14 ordered, the order has been obeyed. All motions to compel
15 discovery must be noticed on the magistrate judge's calendar in
16 accordance with the local rules of this court and so that such
17 motions may be heard (and any resulting orders obeyed) not later
18 than May 1, 2015.

19 V. MOTION HEARING SCHEDULE

20 All motions, except motions for continuances, temporary
21 restraining orders, or other emergency applications, shall be
22 filed on or before July 6, 2015. All motions shall be noticed
23 for the next available hearing date. Counsel are cautioned to
24 refer to the local rules regarding the requirements for noticing
25 and opposing such motions on the court's regularly scheduled law
26 and motion calendar.

27 VI. FINAL PRETRIAL CONFERENCE

28 The Final Pretrial Conference is set for September 14,

1 2015, at 2:00 p.m. in Courtroom No. 5. The conference shall be
2 attended by at least one of the attorneys who will conduct the
3 trial for each of the parties and by any unrepresented parties.

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

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

23 VII. TRIAL SETTING

24 The bench trial is set for November 17, 2015, at 9:00
25 a.m. The parties estimate that the trial will take three to five
26 days.

27 VIII. SETTLEMENT CONFERENCE

28 The court has determined that this case is appropriate

1 for an early settlement conference. The parties shall contact
2 the assigned magistrate judge's courtroom deputy no later than
3 January 30, 2015, by phone or email to schedule an early
4 settlement conference. Contact information for the assigned
5 magistrate judge is available at www.caed.uscourts.gov under the
6 "Judges" tab.

7 At the settlement conference, each party is ordered to
8 have a principal with full settlement authority present at the
9 conference or be fully authorized to settle the matter on any
10 terms. No later than seven days before the date of the
11 Settlement Conference, counsel for each party shall submit a
12 confidential Settlement Conference Statement to the settlement
13 judge. Such statements shall not be filed, but shall be
14 delivered to the chambers of the settlement judge, in hard copy.

15 IX. MODIFICATIONS TO SCHEDULING ORDER

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

21 Dated: December 17, 2014



22 **WILLIAM B. SHUBB**
23 **UNITED STATES DISTRICT JUDGE**