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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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E.R., a minor, by and through
his Guardian ad Litem,
CAROLYN YOUNG,

CIV. NO. 2:14-2053 WBS CKD

Plaintiff,

v.

SUTTER DAVIS HOSPITAL, SUTTER
WEST WOMEN'S HEALTH, SUSAN
MAAYAH, M.D., and DOES 1
through 100, inclusive,

Defendants.

AND RELATED THIRD-PARTY
CLAIMS.

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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 February 2, 2015, and makes the following findings

1 and orders without needing to consult with the parties any
2 further.

3 I. SERVICE OF PROCESS

4 The named defendants and third-party defendant have
5 been served, and no further service is permitted without leave of
6 court, good cause having been shown under Federal Rule of Civil
7 Procedure 16(b).

8 II. JOINDER OF PARTIES/AMENDMENTS

9 No further joinder of parties or amendments to
10 pleadings will be permitted except with leave of court, good
11 cause having been shown under Federal Rule of Civil Procedure
12 16(b). See Johnson v. Mammoth Recreations, Inc., 975 F.2d 604
13 (9th Cir. 1992).

14 III. JURISDICTION/VENUE

15 Jurisdiction is predicated upon federal question
16 jurisdiction, 28 U.S.C. § 1331, because the third-party claim
17 arises under the Federal Tort Claims Act, 42 U.S.C. § 233. Venue
18 is undisputed and is hereby found to be proper.

19 IV. DISCOVERY

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

23 The parties shall disclose experts and produce reports
24 in accordance with Federal Rule of Civil Procedure 26(a)(2) by no
25 later than January 15, 2016. With regard to expert testimony
26 intended solely for rebuttal, those experts shall be disclosed
27 and reports produced in accordance with Federal Rule of Civil
28 Procedure 26(a)(2) on or before March 18, 2016.

1 All discovery, including depositions for preservation
2 of testimony, is left open, save and except that it shall be so
3 conducted as to be completed by August 26, 2016. The word
4 "completed" means that all discovery shall have been conducted so
5 that all depositions have been taken and any disputes relevant to
6 discovery shall have been resolved by appropriate order if
7 necessary and, where discovery has been ordered, the order has
8 been obeyed. All motions to compel discovery must be noticed on
9 the magistrate judge's calendar in accordance with the local
10 rules of this court and so that such motions may be heard (and
11 any resulting orders obeyed) not later than August 26, 2016.

12 V. MOTION HEARING SCHEDULE

13 All motions, except motions for continuances, temporary
14 restraining orders, or other emergency applications, shall be
15 filed on or before October 28, 2016. All motions shall be
16 noticed for the next available hearing date. Counsel are
17 cautioned to refer to the local rules regarding the requirements
18 for noticing and opposing such motions on the court's regularly
19 scheduled law and motion calendar.

20 VI. FINAL PRETRIAL CONFERENCE

21 The Final Pretrial Conference is set for January 30,
22 2017, at 2:00 p.m. in Courtroom No. 5. The conference shall be
23 attended by at least one of the attorneys who will conduct the
24 trial for each of the parties and by any unrepresented parties.

25 Counsel for all parties are to be fully prepared for
26 trial at the time of the Pretrial Conference, with no matters
27 remaining to be accomplished except production of witnesses for
28 oral testimony. Counsel shall file separate pretrial statements,

1 and are referred to Local Rules 281 and 282 relating to the
2 contents of and time for filing those statements. In addition to
3 those subjects listed in Local Rule 281(b), the parties are to
4 provide the court with: (1) a plain, concise statement which
5 identifies every non-discovery motion which has been made to the
6 court, and its resolution; (2) a list of the remaining claims as
7 against each defendant; and (3) the estimated number of trial
8 days.

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

16 VII. TRIAL SETTING

17 The jury trial is set for March 21, 2017, at 9:00 a.m.
18 The parties estimate that a trial will last two weeks, with the
19 third-party claim tried before the court in a bench trial.

20 VIII. SETTLEMENT CONFERENCE

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

25 Counsel are instructed to have a principal with full
26 settlement authority present at the Settlement Conference or to
27 be fully authorized to settle the matter on any terms. At least
28 seven calendar days before the Settlement Conference counsel for

1 each party shall submit a confidential Settlement Conference
2 Statement for review by the settlement judge. If the settlement
3 judge is not the trial judge, the Settlement Conference
4 Statements shall not be filed and will not otherwise be disclosed
5 to the trial judge.

6 IX. MODIFICATIONS TO SCHEDULING ORDER

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

12 Dated: January 27, 2015

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