



1 IV. DISCOVERY

2 Discovery is closed.

3 V. MOTION HEARING SCHEDULE

4 The last day to hear dispositive motions shall be **August 25, 2016**. All papers  
5 should be filed in conformity with the Local Rules. However, with respect to Motions for  
6 Summary Judgment only, the parties shall comply with the following filing deadlines:

7 Motion for Summary Judgment filed at least 8 weeks prior to hearing

8 Opposition and any cross-motion filed at least 5 weeks prior to hearing

9 Reply and opposition to cross-motion filed at least 3 weeks prior to hearing

10 Reply to cross-motion filed at least 1 week prior to hearing

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14 Absent leave of the Court, all issues the parties wish to resolve on summary  
15 judgment must be raised together in one (1) motion or cross-motion. Should the parties  
16 wish to file additional motions for summary judgment, they must seek leave of the Court.

17 The parties are directed to the Court's website for available hearing dates.  
18 ([www.caed.uscourts.gov](http://www.caed.uscourts.gov) → select Judges → select Judge England → select Standard  
19 Information)

20 All purely legal issues are to be resolved by timely pretrial motions. When  
21 appropriate, failure to comply with Local Rules 230 and 260, as modified by this Order,  
22 may be deemed consent to the motion and the Court may dispose of the motion  
23 summarily. With respect to motions for summary judgment, failure to comply with Local  
24 Rules 230 and 260, as modified by this Order, may result in dismissal for failure to  
25 prosecute (or failure to defend) pursuant to this Court's inherent authority to control its  
26 docket and/or Federal Rule of Civil Procedure 41(b). Further, failure to timely oppose a

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1 summary judgment motion<sup>1</sup> may result in the granting of that motion if the movant shifts  
2 the burden to the nonmovant to demonstrate that a genuine issue of material fact  
3 remains for trial.

4 The Court places a page limit for points and authorities (exclusive of exhibits and  
5 other supporting documentation) of twenty (20) pages on all initial moving papers, twenty  
6 (20) pages on oppositions, and ten (10) pages for replies. All requests for page limit  
7 increases must be made in writing to the Court setting forth any and all reasons for any  
8 increase in page limit at least seven (7) days prior to the filing of the motion.

9 For the Court's convenience, citations to the Supreme Court Lexis database  
10 should include parallel citations to the Westlaw database.

11 The parties are reminded that a motion in limine is a pretrial procedural device  
12 designed to address the admissibility of evidence. The Court will look with disfavor upon  
13 dispositional motions presented at the Final Pretrial Conference or at trial in the guise of  
14 motions in limine.

15 The parties are cautioned that failure to raise a dispositive legal issue that could  
16 have been tendered to the court by proper pretrial motion prior to the dispositive motion  
17 cut-off date may constitute waiver of such issue.

## 18 VI. TRIAL SETTING

19 The parties are ordered to file a Joint Notice of Trial Readiness not later than  
20 thirty (30) days after receiving this Court's ruling(s) on the last filed dispositive motion. If  
21 the parties do not intend to file dispositive motions, the parties are ordered to file a Joint  
22 Notice of Trial Readiness not later than thirty (30) days after the close of discovery and  
23 the notice must include statements of intent to forgo the filing of dispositive motions.

24 The parties are to set forth in their Notice of Trial Readiness, the appropriateness  
25 of special procedures, whether this case is related to any other case(s) on file in the  
26 Eastern District of California, the prospect for settlement, their estimated trial length, any

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28 <sup>1</sup> The Court urges any party that contemplates bringing a motion for summary judgment or who  
must oppose a motion for summary judgment to review Local Rule 260.

1 request for a jury, and their available trial dates. After review of the parties' Joint Notice  
2 of Trial Readiness, the Court will issue an order that sets forth a final pretrial conference  
3 and trial date.

4 VII. SETTLEMENT CONFERENCE

5 The parties may request a settlement conference if they feel it would lead to the  
6 possible resolution of the case. In the event an early settlement conference date is  
7 requested, the parties shall file said request jointly, in writing. The request must state  
8 whether the parties waive disqualification, pursuant to Local Rule 270(b), before a  
9 settlement judge can be assigned to the case. Absent the parties' affirmatively  
10 requesting that the assigned Judge or Magistrate Judge participate in the settlement  
11 conference AND waiver, pursuant to Local Rule 270(b), a settlement judge will be  
12 randomly assigned to the case.

13 In the event a settlement conference is set by the Court, counsel are instructed to  
14 have a principal with full settlement authority present at the Settlement Conference or to  
15 be fully authorized to settle the matter on any terms. At least seven (7) calendar days  
16 before the settlement conference, counsel for each party shall submit to the chambers of  
17 the settlement judge a confidential Settlement Conference Statement. Such statements  
18 are neither to be filed with the Clerk nor served on opposing counsel. Each party,  
19 however, shall serve notice on all other parties that the statement has been submitted. If  
20 the settlement judge is not the trial judge, the Settlement Conference Statement shall not  
21 be disclosed to the trial judge.

22 VIII. VOLUNTARY DISPUTE RESOLUTION PROGRAM

23 Pursuant to Local Rule 271 parties will need to lodge a stipulation and proposed  
24 order requesting referral to the Voluntary Dispute Resolution Program.

25 IX. MODIFICATION OF PRETRIAL SCHEDULING ORDER

26 The parties are reminded that pursuant to Rule 16(b) of the Federal Rules of Civil  
27 Procedure, the Pretrial Scheduling Order shall not be modified except by leave of court  
28 upon a showing of **good cause**. Agreement by the parties pursuant to stipulation alone


1 to modify the Pretrial Scheduling Order does not constitute good cause. Except in  
2 extraordinary circumstances, unavailability of witnesses or counsel will not constitute  
3 good cause.

4 X. OBJECTIONS TO PRETRIAL SCHEDULING ORDER

5 This Pretrial Scheduling Order will become final without further order of the Court  
6 unless objections are filed within seven (7) court days of service of this Order.

7 IT IS SO ORDERED.

8 Dated: July 14, 2016

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10 MORRISON C. ENGLAND, JR.  
11 UNITED STATES DISTRICT JUDGE  
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