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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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SCOTT JOHNSON,
Plaintiff,
v.
EASTLAND PLAZA PARTNERSHIP;
KONG Q. HUANG; LILIAN NGUYEN;
JOSE VARGAS; and Does 1-10,
Defendants.

CIV. NO. 2:14-02344 WBS EFB

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

1 I. SERVICE OF PROCESS

2 The parties indicate that defendant Lilian Nguyen has
3 not yet appeared. No proof of service for Lilian Nguyen has been
4 filed with the court. After February 9, 2015, no further service
5 is permitted without leave of court, good cause having been shown
6 under Federal Rule of Civil Procedure 16(b).

7 II. JOINDER OF PARTIES/AMENDMENTS

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

13 III. JURISDICTION/VENUE

14 Jurisdiction is predicated upon federal question
15 jurisdiction, 28 U.S.C. § 1331, because plaintiff's asserts a
16 cause of action pursuant to the Americans with Disabilities Act
17 of 1990, 42 U.S.C. § 12101, et seq. The court has supplemental
18 jurisdiction pursuant to 28 U.S.C. § 1367(a) over all state-law
19 claims. Venue is undisputed and is hereby found to be proper.

20 IV. DISCOVERY

21 The parties shall serve the initial disclosures
22 required by Federal Rule of Civil Procedure 26(a)(1) by no later
23 than February 17, 2015.

24 The parties agree to increase the default number of
25 written interrogatories under Federal Rule of Civil Procedure
26 33(a)(1) to forty-five for both parties.

27 The parties shall disclose experts and produce reports
28 in accordance with Federal Rule of Civil Procedure 26(a)(2) by no

1 later than April 13, 2015. With regard to expert testimony
2 intended solely for rebuttal, those experts shall be disclosed
3 and reports produced in accordance with Federal Rule of Civil
4 Procedure 26(a)(2) on or before May 11, 2015.

5 All discovery, including depositions for preservation
6 of testimony, is left open, save and except that it shall be so
7 conducted as to be completed by June 15, 2015. The word
8 "completed" means that all discovery shall have been conducted so
9 that all depositions have been taken and any disputes relevant to
10 discovery shall have been resolved by appropriate order if
11 necessary and, where discovery has been ordered, the order has
12 been obeyed. All motions to compel discovery must be noticed on
13 the magistrate judge's calendar in accordance with the local
14 rules of this court and so that such motions may be heard (and
15 any resulting orders obeyed) not later than June 15, 2015.

16 V. MOTION HEARING SCHEDULE

17 All motions, except motions for continuances, temporary
18 restraining orders, or other emergency applications, shall be
19 filed on or before August 3, 2015. All motions shall be noticed
20 for the next available hearing date. Counsel are cautioned to
21 refer to the local rules regarding the requirements for noticing
22 and opposing such motions on the court's regularly scheduled law
23 and motion calendar.

24 VI. FINAL PRETRIAL CONFERENCE

25 The Final Pretrial Conference is set for October 13,
26 2015, at 2:00 p.m. in Courtroom No. 5. The conference shall be
27 attended by at least one of the attorneys who will conduct the
28 trial for each of the parties and by any unrepresented parties.

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

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

20 VII. TRIAL SETTING

21 The jury trial is set for December 8, 2015, at 9:00
22 a.m. The parties estimate that the trial will take three to
23 seven days.

24 VIII. SETTLEMENT CONFERENCE

25 The court has determined that this case is appropriate
26 for an early settlement conference. The parties shall contact
27 the assigned Magistrate Judge's courtroom deputy no later than
28 March 2, 2015, by phone or email to schedule an early settlement


1 conference. Contact information for the assigned Magistrate
2 Judge is available at www.caed.uscourts.gov under the "Judges"
3 tab.

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

12 IX. MODIFICATIONS TO SCHEDULING ORDER

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

18 Dated: January 28, 2015

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20 **WILLIAM B. SHUBB**
21 **UNITED STATES DISTRICT JUDGE**

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