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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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SCOTT JOHNSON,
Plaintiff,
v.
HUNG THANH TRAN; and Does 1-
10,
Defendants.

CIV. NO. 2:14-02437 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 17, 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 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's asserts a
15 cause of action pursuant to the Americans with Disabilities Act
16 of 1990, 42 U.S.C. § 12101, et seq. The court has supplemental
17 jurisdiction pursuant to 28 U.S.C. § 1367(a) over all state-law
18 claims. Venue 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) by no later
22 than February 23, 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 April 27, 2015. 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 May 26, 2015.

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 June 29, 2015. 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 June 29, 2015.

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 August 17, 2015. All motions shall be noticed
16 for the next available hearing date. Counsel are cautioned to
17 refer to the local rules regarding the requirements for noticing
18 and opposing such motions on the court's regularly scheduled law
19 and motion calendar.

20 VI. FINAL PRETRIAL CONFERENCE

21 The Final Pretrial Conference is set for October 26,
22 2015, 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 bench trial is set for December 8, 2015, at 9:00
18 a.m. The parties estimate that the trial will take three to
19 seven days.

20 VIII. SETTLEMENT CONFERENCE

21 The court has determined that this case is appropriate
22 for an early settlement conference. The parties shall contact
23 the assigned Magistrate Judge's courtroom deputy no later than
24 March 23, 2015, by phone or email to schedule an early settlement
25 conference. Contact information for the assigned magistrate
26 judge is available at www.caed.uscourts.gov under the "Judges"
27 tab.


28 At the settlement conference, each party is ordered to

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

8 IX. MODIFICATIONS TO SCHEDULING ORDER

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

14 Dated: February 11, 2015

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16 WILLIAM B. SHUBB
17 UNITED STATES DISTRICT JUDGE
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