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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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JUAN ESPINOZA,

Plaintiff,

v.

CITY OF TRACY, CHIEF OF POLICE
GARY HAMPTON, R. LEON
CHURCHILL, JR., AND DOES 1
through 40, inclusive,

Defendants.

CIV. NO. 2:15-751 WBS KJN

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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 April 10, 2017, and makes the following findings and orders without needing to consult with the parties any further.

I. SERVICE OF PROCESS

The named defendants have been served, and no further service is permitted without leave of court, good cause having been shown under Federal Rule of Civil Procedure 16(b).

1 II. JOINDER OF PARTIES/AMENDMENTS

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

7 III. JURISDICTION/VENUE

8 Jurisdiction is predicated upon federal question
9 jurisdiction, 28 U.S.C. § 1331, because plaintiff's claims arise
10 under 42 U.S.C. § 1983. Venue is undisputed and is hereby found
11 to be proper.

12 IV. DISCOVERY

13 The parties agree to serve the initial disclosures
14 required by Federal Rule of Civil Procedure 26(a)(1) by no later
15 than April 24, 2017.

16 The parties shall disclose experts and produce reports
17 in accordance with Federal Rule of Civil Procedure 26(a)(2) by no
18 later than January 29, 2018. With regard to expert testimony
19 intended solely for rebuttal, those experts shall be disclosed
20 and reports produced in accordance with Federal Rule of Civil
21 Procedure 26(a)(2) on or before February 20, 2018.

22 Fact discovery shall be so conducted as to be completed
23 by January 8, 2018. All other discovery, including depositions
24 for preservation of testimony, is left open, save and except that
25 it shall be so conducted as to be completed by March 15, 2018.
26 The word "completed" means that all discovery shall have been
27 conducted so that all depositions have been taken and any
28 disputes relevant to discovery shall have been resolved by

1 appropriate order if necessary and, where discovery has been
2 ordered, the order has been obeyed. All motions to compel
3 discovery must be noticed on the magistrate judge's calendar in
4 accordance with the local rules of this court and so that such
5 motions may be heard (and any resulting orders obeyed) not later
6 than March 15, 2018.

7 V. MOTION HEARING SCHEDULE

8 All motions, except motions for continuances, temporary
9 restraining orders, or other emergency applications, shall be
10 filed on or before April 16, 2018.¹ All motions shall be noticed
11 for the next available hearing date. Counsel are cautioned to
12 refer to the local rules regarding the requirements for noticing
13 and opposing such motions on the court's regularly scheduled law
14 and motion calendar.

15 VI. FINAL PRETRIAL CONFERENCE

16 The Final Pretrial Conference is set for June 18, 2018,
17 at 1:30 p.m. in Courtroom No. 5. The conference shall be
18 attended by at least one of the attorneys who will conduct the
19 trial for each of the parties and by any unrepresented parties.

20 Counsel for all parties are to be fully prepared for
21 trial at the time of the Pretrial Conference, with no matters
22 remaining to be accomplished except production of witnesses for
23 oral testimony. Counsel shall file separate pretrial statements,
24 and are referred to Local Rules 281 and 282 relating to the

25 ¹ The parties requested a dispositive motion deadline
26 after the end of fact discovery but prior to the end of expert
27 discovery. Because it is uncertain whether the expert's
28 testimony will have any bearing on a summary judgment motion, the
court has set the dispositive motion deadline after expert
discovery.

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

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

15 VII. TRIAL SETTING

16 The jury trial is set for August 7, 2018, at 9:00 a.m.
17 The parties estimate that a jury trial will last four to seven
18 days.

19 VIII. SETTLEMENT CONFERENCE

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

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

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

5 IX. MODIFICATIONS TO SCHEDULING ORDER

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

11 Dated: April 3, 2017



12 WILLIAM B. SHUBB
13 UNITED STATES DISTRICT JUDGE
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