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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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DAVID T. HEYDT & JENNIFER F.  
HEYDT, individually, and on  
behalf of the general public,

Plaintiffs,

v.

CITIMORTGAGE, INC., EXPERIAN  
INFORMATION SOLUTIONS, INC.,  
EQUIFAX INFORMATION SERVICES,  
LLC & TRANSUNION, LLC,

Defendants.

CIV. NO. 2:15-00909 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 December 7, 2015, and makes the following findings  
and orders without needing to consult with the parties any  
further.

I. SERVICE OF PROCESS

1 Plaintiffs settled their claims against CitiMortgage,  
2 Inc., and all remaining parties have been served. No further  
3 service is permitted without leave of court, good cause having  
4 been shown under Federal Rule of Civil Procedure 16(b).

5 II. JOINDER OF PARTIES/AMENDMENTS

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

11 III. JURISDICTION/VENUE

12 Jurisdiction is predicated upon federal question  
13 jurisdiction, 28 U.S.C. § 1331, because plaintiffs' claims arise  
14 under the Federal Fair Credit Reporting Act, 15 U.S.C. § 1681.  
15 Supplemental jurisdiction over the claims brought under the  
16 California Consumer Credit Reporting Agencies Act is predicated  
17 upon 28 U.S.C. § 1367. Venue is undisputed and is hereby found  
18 to be proper.

19 IV. DISCOVERY

20 The parties will exchange the initial disclosures  
21 required by Federal Rule of Civil Procedure 26(a)(1) by December  
22 7, 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 December 1, 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 January 17, 2017.

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 February 15, 2017. 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 February 15, 2017.

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 April 14, 2017. 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 July 3, 2017,  
22 at 1:30 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 September 6, 2017 at 9:00  
18 a.m. The parties estimate that a jury trial will last five to  
19 six days.

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: December 2, 2015



13 WILLIAM B. SHUBB  
14 UNITED STATES DISTRICT JUDGE  
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