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UNITED STATES DISTRICT COURT

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FOR THE EASTERN DISTRICT OF CALIFORNIA

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NATIONAL RAILROAD PASSENGER
CORPORATION, et al.,

No. 2:15-CV-0924 KJM EFB

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Plaintiffs,

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v.

STATUS (PRETRIAL SCHEDULING)

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STATE OF CALIFORNIA, et al.,

ORDER (PHASE I)

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Defendants.

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An initial scheduling conference was held in this case on May 26, 2016. Catherine Nasser appeared for plaintiffs; Peter Chang appeared for defendants.

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Having reviewed the parties' Joint Status Report filed on May 18, 2016, and discussed a schedule for the case with counsel at the hearing, the court makes the following orders:

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I. SERVICE OF PROCESS

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All named defendants have been served and no further service is permitted without leave of court, good cause having been shown.

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II. ADDITIONAL PARTIES/AMENDMENTS/PLEADINGS

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Plaintiff was given seven (7) days to file a Third Amended Complaint. A Third Amended Complaint was filed on May 31, 2016. No further joinder of parties or amendments to

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1 pleadings is permitted without leave of court, good cause having been shown, and according to
2 the schedule set forth below. *See* Fed. R. Civ. P. 16(b); *Johnson v. Mammoth Recreations, Inc.*,
3 975 F.2d 604 (9th Cir. 1992).

4 III. JURISDICTION/VENUE

5 Jurisdiction is predicated upon 28 U.S.C. § 1331. Jurisdiction and venue are not
6 disputed.

7 IV. SCHEDULING

8 The litigation of this case shall be conducted in two phases. In Phase One, the
9 parties shall litigate all issues with respect to the RUIA preemption issue (Count I). In Phase
10 Two, the parties will, if necessary, litigate all issues with respect to the remaining RLA and
11 ERISA preemption claims.

12 The following dates are set related to the filing and arguing of motions with
13 respect to Count I (the RUIA claim):

- 14 - Formal discovery requests in lieu of Initial Disclosures pursuant to Fed. R. Civ. P.
15 26(a)(1) are due no later than June 17, 2016.
- 16 - Amendment of pleadings and joinder of parties are due no later than July 15, 2016.
- 17 - All informal discovery shall be completed by August 12, 2016.
- 18 - Plaintiffs' dispositive motion shall be filed no later than August 19, 2016.
- 19 - Defendants' opposition to plaintiffs' motion and cross-motion shall be filed by
20 September 9, 2016
- 21 - Plaintiffs' opposition to the cross-motion and reply in support of motion shall be filed
22 by September 30, 2016.
- 23 - Defendants' reply in support of cross-motion shall be filed by October 14, 2016.
- 24 - Hearing on cross-motions shall be heard on December 2, 2016 at 10:00 a.m. in
25 Courtroom No. 3.
- 26 - Within thirty (30) days of the court's ruling on Count I, the parties shall provide either
27 (1) a stipulation as to entry of final judgment, or (2) a proposed schedule for litigation
28 of Counts II and III (RLA and ERISA preemption).

1 V. SEALING

2 No document will be sealed, nor shall a redacted document be filed, without the
3 prior approval of the court. If a document for which sealing or redaction is sought relates to the
4 record on a motion to be decided by Judge Mueller, the request to seal or redact should be
5 directed to her and not the assigned Magistrate Judge. All requests to seal or redact shall be
6 governed by Local Rules 141 (sealing) and 140 (redaction); protective orders covering the
7 discovery phase of litigation shall not govern the filing of sealed or redacted documents on the
8 public docket. The court will only consider requests to seal or redact filed by the proponent of
9 sealing or redaction. If a party plans to make a filing that includes material an opposing party has
10 identified as confidential and potentially subject to sealing, the filing party shall provide the
11 opposing party with sufficient notice in advance of filing to allow for the seeking of an order of
12 sealing or redaction from the court.

13 VI. MODIFICATION OF STATUS (PRETRIAL SCHEDULING) ORDER

14 The parties are reminded that pursuant to Rule 16(b) of the Federal Rules of Civil
15 Procedure, the Status (Pretrial Scheduling) Order shall not be modified except by leave of court
16 upon a showing of good cause. Agreement by the parties pursuant to stipulation alone does not
17 constitute good cause. Except in extraordinary circumstances, unavailability of witnesses or
18 counsel does not constitute good cause.

19 The assigned magistrate judge is authorized to modify only the discovery dates
20 shown above to the extent any such modification does not impact the balance of the schedule of
21 the case.

22 VII. OBJECTIONS TO STATUS (PRETRIAL SCHEDULING) ORDER

23 This Status Order will become final without further order of the court unless
24 objections are filed within fourteen (14) *calendar* days of service of this Order.

25 IT IS SO ORDERED.

26 DATED: June 20, 2016.

27 
28 UNITED STATES DISTRICT JUDGE