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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KIMBERLY DORSEY,

Plaintiff,

v.

METROPOLITAN LIFE INSURANCE
COMPANY, and DOES 1 to 100,

Defendants.

No. 2:15-CV-2126 KJM CKD

STATUS (PRETRIAL SCHEDULING)

ORDER

An initial scheduling conference was held in this ERISA case on January 21, 2016. David Allen appeared for plaintiff; Robert Hess appeared telephonically for defendant.

Having reviewed the parties' Joint Status Report filed on January 5, 2016, and discussed a schedule for the case with counsel at the hearing, the court makes the following orders:

I. SERVICE OF PROCESS

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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1 II. ADDITIONAL PARTIES/AMENDMENTS/PLEADINGS

2 No further joinder of parties or amendments to pleadings is permitted without
3 leave of court, good cause having been shown. *See* Fed. R. Civ. P. 16(b); *Johnson v. Mammoth*
4 *Recreations, Inc.*, 975 F.2d 604 (9th Cir. 1992).

5 III. JURISDICTION/VENUE

6 Jurisdiction is predicated upon 29 U.S.C. § 1001. Jurisdiction and venue are not
7 disputed.

8 IV. DISCOVERY

9 Initial disclosures as required by Federal Rule of Civil Procedure 26(a), including
10 provision of the administrative record, shall be completed by **February 28, 2016**. Any additional
11 discovery shall be completed by **May 29, 2016**.

12 V. MOTION HEARING SCHEDULE

13 This matter will be decided by cross-motions for judgment under Rule 52 of the
14 Federal Rules of Civil Procedure.

- 15 - Cross-motions shall be filed no later than **September 16, 2016**.
16 - Responsive pleadings shall be filed no later than **October 7, 2016**.
17 - Hearing on cross-motions is set for **November 18, 2016** at 10:00 a.m. in Courtroom
18 No. 3.

19 VI. SETTLEMENT CONFERENCE

20 The parties will engage in settlement discussions informally and if they are unable
21 to resolve their dispute they will agree to participate in an agreed upon alternative dispute
22 resolution (ADR). The parties shall inform the court of the results of their mediation efforts by
23 **August 19, 2016**.

24 In the event that a court settlement conference date or referral to the Voluntary
25 Dispute Resolution Program (VDRP) is requested, the parties shall file said request jointly, in
26 writing.

27 Counsel are instructed to have a principal with full settlement authority present at
28 any Settlement Conference or to be fully authorized to settle the matter on any terms. Each judge

1 has different requirements for the submission of settlement conference statements; the appropriate
2 instructions will be sent to you after the settlement judge is assigned.

3 VII. MODIFICATION OF STATUS (PRETRIAL SCHEDULING) ORDER

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

9 VIII. OBJECTIONS TO STATUS (PRETRIAL SCHEDULING) ORDER

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

12 IT IS SO ORDERED.

13 DATED: February 3, 2016

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17 UNITED STATES DISTRICT JUDGE

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