

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

----oo0oo----

JEMIAH HERNANDEZ, Plaintiff, v. HARTFORD LIFE INSURANCE COMPANY and DOES 1-100, Defendants.	CIV. NO. 2:16-00426 WBS AC
--	----------------------------

----oo0oo----

STATUS (PRETRIAL SCHEDULING) ORDER

After reviewing the parties' Joint Status Report, the court hereby vacates the Status (Pretrial Scheduling) Conference scheduled for July 5, 2016, and makes the following findings and orders without needing to consult with the parties any further.

I. SERVICE OF PROCESS

The named defendant has 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 except with leave of court, good
4 cause having been shown under Federal Rule of Civil Procedure
5 16(b). See Johnson v. Mammoth Recreations, Inc., 975 F.2d 604
6 (9th Cir. 1992).

7 III. JURISDICTION/VENUE

8 Jurisdiction is predicated upon federal question
9 jurisdiction, 28 U.S.C. § 1331, because plaintiff's claim arises
10 under the Employee Retirement Income Security Act of 1974
11 ("ERISA"), 29 U.S.C. §§ 1001-1461. Venue is undisputed and is
12 hereby found to be proper.

13 IV. DISCOVERY

14 The parties dispute whether any discovery is proper
15 under a de novo standard of review in this ERISA action. The
16 court, however, will determine the relevance of any non-
17 administrative record evidence when resolving a motion for
18 summary judgment or the bench trial. The parties may therefore
19 "obtain discovery regarding any nonprivileged matter that is
20 relevant to any party's claim or defense." Fed. R. Civ. P.
21 26(b)(1).

22 Pursuant to Federal Rule of Civil Procedure 26 (a)(1),
23 the parties agree that initial disclosures shall be served by
24 June 24, 2016. Defendant will file the administrative record by
25 December 1, 2016.

26 All discovery, including depositions for preservation
27 of testimony, is left open, save and except that it shall be so
28 conducted as to be completed by September 30, 2016. The word

1 "completed" means that all discovery shall have been conducted so
2 that all depositions have been taken and any disputes relevant to
3 discovery shall have been resolved by appropriate order if
4 necessary and, where discovery has been ordered, the order has
5 been obeyed. All motions to compel discovery must be noticed on
6 the magistrate judge's calendar in accordance with the local
7 rules of this court and so that such motions may be heard (and
8 any resulting orders obeyed) not later than September 30, 2016.

9 The court will waive the pre-trial requirements in
10 Eastern District Local Rules 281-283, 285, and 290 for a pretrial
11 statement, pretrial conference, witness lists, exhibit lists, and
12 trial briefs as the parties do not anticipate calling live
13 witnesses or experts and expect that the evidence presented at
14 trial will consist solely of the administrative record and
15 damages evidence. The parties will be permitted to conduct a
16 trial based on opening and responsive trial briefs.

17 V. BRIEFING SCHEDULE

18 The parties will file their opening briefs on January
19 17, 2017 and their responsive briefs on January 24, 2017.

20 VI. TRIAL SETTING

21 The trial is set for February 28, 2017 at 9:00 a.m.
22 The parties estimate that the hearing will last one to two hours.

23 VII. SETTLEMENT CONFERENCE

24 The parties agree to participate in a Settlement
25 Conference with a magistrate judge. The parties shall contact
26 the assigned magistrate judge's courtroom deputy no later than
27 July 19, 2016, by phone or email to schedule a settlement
28 conference. The early settlement conference shall be conducted

1 no later than October 5, 2016. Contact information for the
2 assigned magistrate judge is available at www.caed.uscourts.gov
3 under the "Judges" tab.

4 Counsel are instructed to have a principal with full
5 settlement authority present at the Settlement Conference or to
6 be fully authorized to settle the matter on any terms. At least
7 seven calendar days before the Settlement Conference counsel for
8 each party shall submit a confidential Settlement Conference
9 Statement for review by the settlement judge. Such statements
10 shall not be filed, but shall be emailed to
11 ACorders@caed.uscourts.gov. Upon emailing the Settlement
12 Conference Statement, each party shall e-file a one page document
13 entitled "Notice of Submission of Confidential Settlement
14 Conference Statement."

15 No later than seven days before the date of the early
16 settlement conference, counsel for each party shall file a waiver
17 of disqualification of the assigned magistrate judge pursuant to
18 Local Rule 270(b). Absent the filing of a waiver of
19 disqualification by each party, the settlement conference will be
20 vacated and reassigned to another magistrate judge.

21 IX. MODIFICATIONS TO SCHEDULING ORDER

22 Any requests to modify the dates or terms of this
23 Scheduling Order, except requests to change the date of the
24 trial, may be heard and decided by the assigned Magistrate Judge.
25 All requests to change the trial date shall be heard and decided
26 only by the undersigned judge.

27 Dated: June 24, 2016



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE