

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----

HENNA AHMED, an individual

Plaintiff,

v.

BEVERLY HEALTH AND
REHABILITATION SERVICES,
INC.; GGNSC ADMINISTRATIVE
SERVICES, LLC; and Does 1-
100, inclusive,

Defendants.

CIV. NO. 2:16-01747 WBS KJN

----oo0oo----

STATUS (PRETRIAL SCHEDULING) ORDER

After reviewing the parties' Joint Status Report, the court hereby vacates the Status (Pretrial Scheduling) Conference scheduled for December 5, 2016, 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

1 service is permitted without leave of court, good cause having
2 been shown under Federal Rule of Civil Procedure 16(b).

3 II. JOINDER OF PARTIES/AMENDMENTS

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

9 III. JURISDICTION/VENUE

10 Jurisdiction is predicated upon diversity jurisdiction,
11 28 U.S.C. § 1332. Venue is undisputed and is hereby found to be
12 proper.

13 IV. DISCOVERY

14 The parties agree to serve the initial disclosures
15 required by Federal Rule of Civil Procedure 26(a)(1) by no later
16 than December 12, 2016.

17 The parties agree to disclose class-certification
18 experts and produce reports in accordance with Federal Rule of
19 Civil Procedure 26(a)(2) by no later than May 19, 2017. The
20 parties agree that all class certification-related discovery
21 shall be so conducted as to be completed by June 30, 2017.

22 With the exception of class certification-related
23 discovery, 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 July 21, 2017. All non-class certification-related
26 discovery, including depositions for preservation of testimony,
27 is left open, save and except that it shall be so conducted as to
28 be completed by September 15, 2017. The word "completed" means

1 that all discovery shall have been conducted so that all
2 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 15, 2017.

9 The parties agree to a modification of the standard
10 discovery procedures and request to serve up to 50
11 interrogatories each. As the parties have agreed to such a
12 modification, the court grants the modification at this time.

13 V. MOTION HEARING SCHEDULE

14 The parties agree that plaintiff shall move for class
15 certification on or before July 27, 2017.

16 All motions, except motions for continuances, temporary
17 restraining orders, or other emergency applications, shall be
18 filed on or before November 6, 2017. All motions shall be
19 noticed for the next available hearing date. Counsel are
20 cautioned to refer to the local rules regarding the requirements
21 for noticing and opposing such motions on the court's regularly
22 scheduled law and motion calendar.

23 VI. FINAL PRETRIAL CONFERENCE

24 The Final Pretrial Conference is set for January 16,
25 2018, at 1:30 p.m. in Courtroom No. 5. The conference shall be
26 attended by at least one of the attorneys who will conduct the
27 trial for each of the parties and by any unrepresented parties.

28 Counsel for all parties are to be fully prepared for

1 trial at the time of the Pretrial Conference, with no matters
2 remaining to be accomplished except production of witnesses for
3 oral testimony. Counsel shall file separate pretrial statements,
4 and are referred to Local Rules 281 and 282 relating to the
5 contents of and time for filing those statements. In addition to
6 those subjects listed in Local Rule 281(b), the parties are to
7 provide the court with: (1) a plain, concise statement which
8 identifies every non-discovery motion which has been made to the
9 court, and its resolution; (2) a list of the remaining claims as
10 against each defendant; and (3) the estimated number of trial
11 days.

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

19 VII. TRIAL SETTING

20 The jury trial is set for March 13, 2018, at 9:00 a.m.
21 The parties are unable to estimate a length of trial at this
22 time.

23 VIII. SETTLEMENT CONFERENCE

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


28 Counsel are instructed to have a principal with full

1 settlement authority present at the Settlement Conference or to
2 be fully authorized to settle the matter on any terms. At least
3 seven calendar days before the Settlement Conference counsel for
4 each party shall submit a confidential Settlement Conference
5 Statement for review by the settlement judge. If the settlement
6 judge is not the trial judge, the Settlement Conference
7 Statements shall not be filed and will not otherwise be disclosed
8 to the trial judge.

9 IX. MODIFICATIONS TO SCHEDULING ORDER

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

15 Dated: November 30, 2016


16 WILLIAM B. SHUBB
17 UNITED STATES DISTRICT JUDGE
18
19
20
21
22
23
24
25
26
27
28