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6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF CALIFORNIA  
8 AT SACRAMENTO  
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10 BETH WHEELER,

11 Plaintiff,

12 v.

13 UNITED FINANCIAL CASUALTY

14 COMPANY, individually and dba

15 Progressive, Progressive Insurance and

16 Progressive.com; PROGRESSIVE

17 CASUALTY INSURANCE COMPANY,

18 a corporation; and DOES 1 to 25,

19 Defendant.  
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No. 2:16-cv-01875-SB

**ORDER AMENDING JURY  
TRIAL SCHEDULING ORDER**

21 Before the Court is the parties' Third Stipulation and Order Regarding Jury  
22 Trial Scheduling Order, ECF No. 33. The parties request extensions of deadlines  
23 in order to accommodate defense counsel's anticipated jury trial in another matter,  
24 Plaintiff's counsel's vacation schedule, and an ongoing discovery dispute. Having  
25 reviewed the submissions of the parties, the Court finds good cause to grant the  
26 motion and amend the schedule for jury trial in this matter.

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**ORDER AMENDING JURY TRIAL SCHEDULING ORDER + 1**

Accordingly, **IT IS ORDERED:**

1. The Parties' Third Stipulated Motion Regarding Jury Trial Scheduling Order, ECF No. 33, is **GRANTED**.

2. The following Jury Trial Scheduling Order, ECF No. 32, is **amended** as follows:

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**7. Expert Disclosures.**

A. Initial Expert Disclosures. Each Party shall identify its experts and serve written reports as required by Rule 26(a)(2) on all other parties no later than **September 22, 2017**. Each Party shall also provide dates for which those experts can be available for deposition.

B. Rebuttal Expert Disclosures. Each Party shall identify its rebuttal experts and serve written reports as required by Rule 26(a)(2) on all other parties no later than **October 10, 2017**. Each Party shall also provide dates for which those experts can be available for deposition.

C. Modifications. The parties may modify the deadline for exchange of expert disclosures by joint stipulation filed with the court; a motion is not required.

**8. Discovery.**

A. Discovery Deadline. All discovery shall be completed on or before **October 20, 2017**.

B. Responses. To be timely, discovery requests must be served sufficiently in advance of the deadline to allow for timely response by the cutoff date.

C. Necessity. The parties shall file no discovery except as necessary to support motions or objections.

D. Discovery Conferences. To avoid wasted time and expense, Counsel may contact chambers to schedule a telephonic conference to obtain an expedited

1 ruling on discovery disputes. Prior to the conference, each party may submit to the  
2 Court a one page summary explaining the discovery dispute.

### 4 **MOTION DEADLINES**

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6 **11. Dispositive Motions.** All dispositive motions shall be filed and served on or  
7 before **September 6, 2017**.

8 **12. Motions in Limine.**

9 A. Motions in Limine: shall be filed and served on or before **November 27,**  
10 **2017.**

11 B. Responses: shall be filed and served on or before **December 11, 2017.**

12 C. Replies: shall be filed and served on or before **December 15, 2017.**

13 D. Notation: Motions in limine shall be noted for hearing at the pretrial  
14 conference.

### 16 **TRIAL PREPARATION DEADLINES**

17 **13. Exhibit and Witness Lists.**

18 A. Exhibit Lists and Witness Lists: shall be filed and served and exhibits  
19 made available for inspection (or copies provided), on or before **December 15,**  
20 **2017.**

21 B. Identification: The witness list shall include identification of each  
22 witness's testimony.

23 C. Notation of Exhibits: Where feasible, all exhibits identified in  
24 depositions shall be pre-marked with the exhibit numbers that will be used at trial.  
25 Plaintiff's trial exhibits are to be numbered 1 through 199; Defendant's exhibits  
26 are to be numbered 200 and following.

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1 D. Objections: Objections to the opposing party's witness list or exhibit list  
2 and any accompanying briefs shall be filed and served on or before **December 18,**  
3 **2017.**

4 E. Responses: Responses, if any, to objections shall be filed and served on  
5 or before **December 18, 2017.**

6 **14. Pretrial Exhibit Stipulation.**

7 A. Stipulation: The parties shall prepare a pretrial exhibit stipulation that  
8 shall contain each party's numbered list of all trial exhibits with the opposing  
9 party's objections to each exhibit, including the basis of the objection and the  
10 offering party's brief response. All exhibits to which there is no objection shall be  
11 deemed admitted, subject to any objections at trial that could not be raised in  
12 advance.

13 B. Deadline: The pretrial exhibit stipulation shall be filed on **December 18,**  
14 **2017.**

15 C. Objections to witness and exhibits shall be heard at the pretrial  
16 conference.

17 **15. Designation of Testimony.**

18 A. Substantive: Designation of substantive, as opposed to impeachment,  
19 deposition testimony shall be by highlighting and shall be served upon opposing  
20 counsel, but not filed, on or before **November 24, 2017.**

21 B. Cross-Designation: Cross-designations by highlighting in a different  
22 color shall be served, but not filed, on or before **December 15, 2017.**

23 C. Objections: Objections to any designated deposition testimony shall be  
24 filed and served on or before **December 18, 2017,** and shall be heard and resolved  
25 at the pretrial conference.

26 D. Service to the Court: Copies of designations to which there are  
27 objections shall be provided to the Court on or before **December 18, 2017.**

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1 3. All other deadlines **shall** remain in place.

2 **IT IS SO ORDERED.** The District Court Clerk is hereby directed to enter  
3 this Order and to provide copies to counsel.

4 **DATED** this 24th day of August, 2017.

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8 Stanley A. Bastian  
9 United States District Judge  
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