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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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XUAN THI PHAN,  
  
Plaintiff,  
  
v.  
  
JETBLUE AIRWAYS CORPORATION,  
a Delaware corporation,  
  
Defendant.

CIV. NO. 2:16-2328 WBS DB

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STATUS (PRETRIAL SCHEDULING) ORDER

After reviewing the parties' Joint Status Report, the court hereby vacates the Status (Pretrial Scheduling) Conference scheduled for February 13, 2017, 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

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 except with leave of court, good  
6 cause having been shown under Federal Rule of Civil Procedure  
7 16(b). See Johnson v. Mammoth Recreations, Inc., 975 F.2d 604  
8 (9th Cir. 1992).

9 III. JURISDICTION/VENUE

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

13 IV. DISCOVERY

14 The parties shall serve the initial disclosures  
15 required by Federal Rule of Civil Procedure 26(a)(1) by February  
16 17, 2017.

17 Plaintiff shall disclose experts and produce reports  
18 in accordance with Federal Rule of Civil Procedure 26(a)(2) by no  
19 later than January 15, 2018. Defendant shall disclose experts  
20 and reports pursuant to Rule 26(a)(2) by February 15, 2018. With  
21 regard to expert testimony intended solely for rebuttal, those  
22 experts shall be disclosed and reports produced in accordance  
23 with Federal Rule of Civil Procedure 26(a)(2) on or before  
24 February 28, 2018.

25 The parties agree to complete fact discovery by  
26 December 5, 2017. All other discovery is left open, save and  
27 except that it shall be so conducted as to be completed by April  
28 30, 2018. The word "completed" means that all discovery shall

1 have been conducted so that all depositions have been taken and  
2 any disputes relevant to discovery shall have been resolved by  
3 appropriate order if necessary and, where discovery has been  
4 ordered, the order has been obeyed. All motions to compel  
5 discovery must be noticed on the magistrate judge's calendar in  
6 accordance with the local rules of this court and so that such  
7 motions may be heard (and any resulting orders obeyed) not later  
8 than April 30, 2018.

9 V. MOTION HEARING SCHEDULE

10 All motions, except motions for continuances, temporary  
11 restraining orders, or other emergency applications, shall be  
12 filed on or before May 30, 2018. All motions shall be noticed  
13 for the next available hearing date. Counsel are cautioned to  
14 refer to the local rules regarding the requirements for noticing  
15 and opposing such motions on the court's regularly scheduled law  
16 and motion calendar.

17 VI. FINAL PRETRIAL CONFERENCE

18 The Final Pretrial Conference is set for August 13,  
19 2018, at 1:30 p.m. in Courtroom No. 5. The conference shall be  
20 attended by at least one of the attorneys who will conduct the  
21 trial for each of the parties and by any unrepresented parties.

22 Counsel for all parties are to be fully prepared for  
23 trial at the time of the Pretrial Conference, with no matters  
24 remaining to be accomplished except production of witnesses for  
25 oral testimony. Counsel shall file separate pretrial statements,  
26 and are referred to Local Rules 281 and 282 relating to the  
27 contents of and time for filing those statements. In addition to  
28 those subjects listed in Local Rule 281(b), the parties are to

1 provide the court with: (1) a plain, concise statement which  
2 identifies every non-discovery motion which has been made to the  
3 court, and its resolution; (2) a list of the remaining claims as  
4 against each defendant; and (3) the estimated number of trial  
5 days.

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

13 VII. TRIAL SETTING

14 A jury trial is set for October 10, 2018 at 9:00 a.m.  
15 The parties estimate that trial will last five to seven days.

16 VIII. SETTLEMENT CONFERENCE

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

21 Counsel are instructed to have a principal with full  
22 settlement authority present at the Settlement Conference or to  
23 be fully authorized to settle the matter on any terms. At least  
24 seven calendar days before the Settlement Conference counsel for  
25 each party shall submit a confidential Settlement Conference  
26 Statement for review by the settlement judge. If the settlement  
27 judge is not the trial judge, the Settlement Conference  
28 Statements shall not be filed and will not otherwise be disclosed

1 to the trial judge.

2 IX. MODIFICATIONS TO SCHEDULING ORDER

3 Any requests to modify the dates or terms of this  
4 Scheduling Order, except requests to change the date of the  
5 trial, may be heard and decided by the assigned Magistrate Judge.  
6 All requests to change the trial date shall be heard and decided  
7 only by the undersigned judge.

8 Dated: February 8, 2017



9 WILLIAM B. SHUBB  
10 UNITED STATES DISTRICT JUDGE  
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