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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

E.G., a minor, by and through
his parent IDA GARRETT,

Plaintiff,

v.

ELK GROVE UNIFIED SCHOOL
DISTRICT, a public entity,

Defendant.

No. 2:16-cv-02412-TLN-KJN

PRETRIAL SCHEDULING ORDER

After reviewing the parties' Joint Status Report filed May 19, 2017, the Court makes the following Pretrial Scheduling Order.

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.

II. ADDITIONAL PARTIES/AMENDMENTS/PLEADINGS

No joinder of parties or amendments to pleadings is permitted without leave of court, good cause having been shown.

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1 III. JURISDICTION/VENUE

2 Jurisdiction is predicated upon 28 U.S.C. section 1331.
3 Jurisdiction and venue are not contested.

4 IV. DISCOVERY

5 In agreeing that no need for additional discovery is
6 indicated at this time, the parties appear to concede that
7 judicial review of agency decisions is limited to the
8 administrative record, unless a need to expand that record is
9 demonstrated by the parties. See Southwest Center for Biological
10 Diversity v. U.S., 100 F.3d 1443, 1450 (9th Cir. 1996); see also
11 5 U.S.C. § 706. Consequently, the Court's review will be limited
12 to the administrative record unless good cause is found for
13 augmentation of that record. Defendants will serve on Plaintiffs
14 and certify and lodge an electronic copy of the complete
15 Administrative Record on CD or DVD with the Court by
16 **July 12, 2017**. Plaintiffs shall file any motions objecting to
17 the adequacy of the Administrative Record by **July 26, 2017**.

18 V. MOTION HEARING SCHEDULE

19 The parties have agreed that cross-motions for summary
20 judgment are appropriate for purposes of resolving this
21 litigation. As proposed by the parties, these motions will be
22 governed by the following parameters:

23 1. The parties shall file their Motion for Summary
24 Judgment no later than **August 10, 2017**.

25 2. The parties shall file their Oppositions no later than
26 **August 24, 2017**.

27 3. The parties shall file their Replies no later than
28 **August 31, 2017**.

1 4. The hearing for the motions shall be noticed for
2 **September 7, 2017 at 2:00 p.m.**

3 5. A brief statement of facts will be included in the
4 parties' briefs with cites to the pertinent sections of the
5 administrative record. No separate statement of facts is
6 required.

7 All purely legal issues are to be resolved by timely
8 pretrial motions. Failure to comply with Local Rules 230 and
9 260, as modified by this Order, may be deemed consent to the
10 motion and the Court may dispose of the motion summarily.
11 Further, failure to timely oppose a summary judgment motion¹ may
12 result in the granting of that motion if the movant shifts the
13 burden to the nonmovant to demonstrate that a genuine issue of
14 material fact remains for trial.

15 For the Court's convenience, citations to Supreme Court
16 cases should include parallel citations to the Supreme Court
17 Reporter.

18 VI. TRIAL

19 Due to the nature of the case, no trial date is currently
20 set. A trial date shall be set at a later date if necessary.

21 VII. MODIFICATION OF PRETRIAL SCHEDULING ORDER

22 The parties are reminded that pursuant to Rule 16(b) of the
23 Federal Rules of Civil Procedure, the Pretrial Scheduling Order
24 shall not be modified except by leave of court upon a showing of
25 **good cause**. Agreement by the parties pursuant to stipulation
26 alone to modify the Pretrial Scheduling Order does not constitute

27 ¹ The Court urges any party that contemplates bringing a motion for summary
28 judgment or who must oppose a motion for summary judgment to review Local Rule
260.

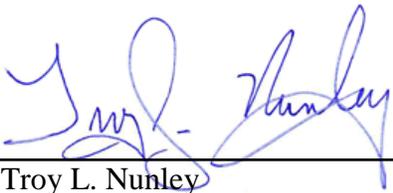
1 good cause. Except in extraordinary circumstances,
2 unavailability of witnesses or counsel will not constitute good
3 cause.

4 VIII. OBJECTIONS TO PRETRIAL SCHEDULING ORDER

5 This Pretrial Scheduling Order will become final without
6 further order of the Court unless objections are filed within
7 fourteen (14) days of service of this Order.

8 IT IS SO ORDERED.

9 DATED: May 23, 2017



Troy L. Nunley
United States District Judge

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