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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KIM EDWARD ROGERS,  
  
Plaintiff,  
  
v.  
  
WESLEY J. FISH, et al.,  
  
Defendants.

No. 2:17-cv-149-JAM-EFB PS

ORDER SETTING STATUS (PRETRIAL  
SCHEDULING) CONFERENCE

This action has been reassigned to the undersigned. ECF No. 69. Pursuant to Federal Rule of Civil Procedure 16, it is hereby ORDERED that:

1. A Status (Pretrial Scheduling) Conference is set for February 13, 2019 at 10:00 a.m. in Courtroom 8.
2. Not later than fourteen (14) days prior to the Status Conference, the parties shall file status reports<sup>1</sup> briefly describing the case and addressing the following:
  - a. Progress in service of process;
  - b. Possible joinder of additional parties;
  - c. Expected or desired amendment of pleadings;
  - d. Jurisdiction and venue;

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<sup>1</sup> The parties are encouraged to file a joint status report.

- 1 e. Anticipated motions and their scheduling;
- 2 f. The report required by Federal Rule of Civil Procedure 26 outlining the  
3 proposed discovery plan and its scheduling, including disclosure of expert witnesses;
- 4 g. Cut-off dates for discovery and law and motion, and dates for pretrial  
5 conference and trial;<sup>2</sup>
- 6 h. Special procedures, if any;
- 7 i. Estimated trial time;
- 8 j. Modifications of standard pretrial procedures due to the simplicity or  
9 complexity of the proceedings;
- 10 k. Whether the case is related to any other cases, including any bankruptcy cases;
- 11 l. Whether a settlement conference should be scheduled;
- 12 m. Whether counsel will stipulate to the undersigned acting as settlement judge  
13 and waiving disqualification by virtue of his so acting, or whether they prefer to have a settlement  
14 conference conducted before another judge; and
- 15 n. Any other matters that may add to the just and expeditious disposition of this  
16 matter.

17 3. Failing to obey federal or local rules, or any order of this court, “may be grounds for  
18 imposition by the Court of any and all sanctions authorized by statute or Rule or within the  
19 inherent power of the Court” including dismissal of this action. E.D. Cal. L.R. 110.

20 4. Counsel are reminded of their continuing duty to notify chambers immediately of any  
21 settlement or other disposition. *See* E.D. Cal. L.R. 160. In addition, the parties are cautioned that  
22 pursuant to Local Rule 230(c), an opposition, or a statement of non-opposition, to the granting of

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23 <sup>2</sup> In completing this portion of the status report(s), the parties are advised that the  
24 undersigned’s typical pretrial schedule requires (1) initial expert disclosures to be made within  
25 approximately sixty (60) days after the Status Conference; (2) motions to compel discovery to be  
26 noticed for hearing within approximately sixty (60) days after the expert disclosure deadline; (3)  
27 discovery to be completed within approximately thirty (30) days after the motion to compel  
28 deadline; (4) all non-discovery law and motion to be noticed for hearing within approximately  
sixty (60) days after the discovery completion date; (5) a final pretrial conference to be held  
approximately ninety (90) days after the non-discovery law and motion deadline; and (6) trial to  
commence approximately ninety (90) days after the final pretrial conference.

1 a motion must be filed at least fourteen (14) days preceding the noticed (or continued) hearing  
2 date. Local Rule 230(c) further provides that “[n]o party will be entitled to be heard in opposition  
3 to a motion at oral arguments if opposition to the motion has not been timely filed by that party.”  
4 Moreover, Local Rule 230(i) provides that absent notice of intent to submit the matter on the  
5 briefs, failure to appear may be deemed withdrawal of the motion or of opposition to the motion,  
6 or may result in sanctions.

7 DATED: January 17, 2019.

  
8 EDMUND F. BRENNAN  
9 UNITED STATES MAGISTRATE JUDGE  
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