

1 II. ADDITIONAL PARTIES/AMENDMENTS/PLEADINGS

2 No further joinder of parties or amendments to pleadings is permitted without
3 leave of court, good cause having been shown. *See* Fed. R. Civ. P. 16(b); *Johnson v. Mammoth*
4 *Recreations, Inc.*, 975 F.2d 604 (9th Cir. 1992).

5 III. JURISDICTION/VENUE

6 Jurisdiction is predicated upon 28 U.S.C. §§ 1332, 1441 and 1446. Jurisdiction
7 and venue are not disputed.

8 IV. FACT DISCOVERY

9 Initial disclosures are postponed while the parties participate in private mediation.
10 Should the parties be unable to resolve this matter, initial disclosures are due within thirty days of
11 the failed mediation. All class certification discovery shall be completed by **June 15, 2018**. In
12 this context, “completed” means that all discovery shall have been conducted so that all
13 depositions have been taken and any disputes relative to discovery shall have been resolved by
14 appropriate order if necessary and, where discovery has been ordered, the order has been obeyed.
15 All motions to compel discovery must be noticed on the magistrate judge’s calendar in
16 accordance with the local rules of this court. While the assigned magistrate judge reviews
17 proposed discovery phase protective orders, requests to seal or redact are decided by Judge
18 Mueller as discussed in more detail below. In addition, while the assigned magistrate judge
19 handles discovery motions, the magistrate judge cannot change the schedule set in this order,
20 except that the magistrate judge may modify a discovery cutoff to the extent such modification
21 does not have the effect of requiring a change to the balance of the schedule.

22 V. DISCLOSURE OF EXPERT WITNESSES

23 All counsel are to designate in writing, file with the court, and serve upon all other
24 parties the name, address, and area of expertise of each expert not later than **July 20, 2018**. The
25 designation shall be accompanied by a written report prepared and signed by the witness. The
26 report shall comply with Fed. R. Civ. P. 26(a)(2)(B). By **August 10, 2018**, any party who
27 previously disclosed expert witnesses may submit a supplemental list of expert witnesses who
28 will express an opinion on a subject covered by an expert designated by an adverse party, if the

1 party supplementing an expert witness designation has not previously retained an expert to testify
2 on that subject. The supplemental designation shall be accompanied by a written report, which
3 shall also comply with the conditions stated above.

4 Failure of a party to comply with the disclosure schedule as set forth above in all
5 likelihood will preclude that party from calling the expert witness at the time of the hearing. An
6 expert witness not appearing on the designation will not be permitted to testify unless the party
7 offering the witness demonstrates: (a) that the necessity for the witness could not have been
8 reasonably anticipated at the time the list was proffered; (b) that the court and opposing counsel
9 were promptly notified upon discovery of the witness; and (c) that the witness was promptly
10 made available for deposition.

11 For purposes of this scheduling order, an “expert” is any person who may be used
12 to present evidence under Rules 702, 703 and 705 of the Federal Rules of Evidence, which
13 include both “percipient experts” (persons who, because of their expertise, have rendered expert
14 opinions in the normal course of their work duties or observations pertinent to the issues in the
15 case) and “retained experts” (persons specifically designated by a party to be a testifying expert
16 for the purposes of litigation). A party shall identify whether a disclosed expert is percipient,
17 retained, or both. It will be assumed that a party designating a retained expert has acquired the
18 express permission of the witness to be so listed. Parties designating percipient experts must state
19 in the designation who is responsible for arranging the deposition of such persons.

20 All experts designated are to be fully prepared at the time of designation to render
21 an informed opinion, and give the bases for their opinion, so that they will be able to give full and
22 complete testimony at any deposition taken by the opposing party. Experts will not be permitted
23 to testify as to any information gathered or evaluated, or opinion formed, after deposition taken
24 subsequent to designation. All expert discovery shall be completed by **September 11, 2018**.

25 VI. HEARING ON CLASS CERTIFICATION

26 Plaintiff shall file his certification motion on or before **September 11, 2018**, with
27 hearing on class certification set for **October 19, 2018**. All further scheduling dates will be set
28 after class certification has been determined.

1 IX. SETTLEMENT CONFERENCE

2 The parties shall participate in private mediation by January 25, 2018. They shall
3 file a notice within ten (10) days of completion of the mediation informing the court of the
4 outcome.

5 X. MODIFICATION OF STATUS (PRETRIAL SCHEDULING) ORDER

6 The parties are reminded that pursuant to Rule 16(b) of the Federal Rules of Civil
7 Procedure, the Status (Pretrial Scheduling) Order shall not be modified except by leave of court
8 upon a showing of good cause. Agreement of the parties by stipulation alone does not constitute
9 good cause. Except in extraordinary circumstances, unavailability of witnesses or counsel does
10 not constitute good cause.

11 As noted, the assigned magistrate judge is authorized to modify only the discovery
12 dates shown above to the extent any such modification does not impact the balance of the
13 schedule of the case.

14 XIII. OBJECTIONS TO STATUS (PRETRIAL SCHEDULING) ORDER

15 This Status Order will become final without further order of the court unless
16 objections are filed within fourteen (14) *calendar* days of service of this Order.

17 IT IS SO ORDERED.

18 DATED: November 6, 2017.

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22 UNITED STATES DISTRICT JUDGE
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