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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 DAVID SCOTT,

12 Plaintiff,

13 v.

14 THE NORTHWESTERN MUTUAL LIFE
15 INSURANCE COMPANY, et al.,

16 Defendants.
17

No. 2:17-cv-0559 KJM EFB

STATUS (PRETRIAL SCHEDULING)

ORDER

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19 An initial scheduling conference was held in this case on August 31, 2017. Jesse
20 Kaplan appeared for plaintiff; Sevana Babooian appeared for defendants.

21 Having reviewed the parties' Joint Status Report filed on July 6, 2017, and
22 discussed a schedule for the case with counsel at the hearing, the court makes the following
23 orders:

24 I. SERVICE OF PROCESS

25 All named defendants have been served and no further service is permitted without
26 leave of court, good cause having been shown.

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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. § 1331. Jurisdiction and venue are not
7 disputed.

8 IV. DISCOVERY

9 The parties agree at this time that no discovery will take place beyond the
10 exchange of initial disclosures in this ERISA action, and that disclosures will be limited to the
11 Administrative Record. Initial disclosures as required by Federal Rule of Civil Procedure 26(a)
12 have been completed. If any discovery is conducted, it will be completed by **February 2, 2018**.

13 V. AVOIDANCE OF UNNECESSARY PROOF

14 The parties will explore stipulating to facts and waiving foundational facts and
15 stipulating to evidence, to the extent possible.

16 VI. MOTION HEARING SCHEDULE

17 This matter will be decided by cross-motions for judgment under Rule 52 of the
18 Federal Rules of Civil Procedure.

- 19 - Cross-motions shall be filed no later than March 23, 2018.
20 - Responsive pleadings shall be filed no later than April 6, 2018.
21 - Hearing on cross-motions is set for May 4, 2018, at 10:00 a.m. in Courtroom
22 No. 3.

23 The parties will explore stipulating to fact and waiving foundational fact and
24 stipulating to evidence.

25 VII. SETTLEMENT CONFERENCE

26 No settlement conference is currently scheduled. A settlement conference may be
27 set at any time at the parties' request. In the event that a court settlement conference date or
28 referral to the Voluntary Dispute Resolution Program (VDRP) is requested, the parties shall file

1 said request jointly, in writing. Counsel are instructed to have a principal with full settlement
2 authority present at any Settlement Conference or to be fully authorized to settle the matter on
3 any terms.

4 **VIII. MODIFICATION OF STATUS (PRETRIAL SCHEDULING) ORDER**

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

10 **IX. OBJECTIONS TO STATUS (PRETRIAL SCHEDULING) ORDER**

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

13 IT IS SO ORDERED.

14 DATED: September 19, 2017.

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16 UNITED STATES DISTRICT JUDGE
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