

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

-----oo0oo-----

JAMIE HOWARD,  
  
                                Plaintiff,  
  
          v.  
  
WILLIAM JESSUP UNIVERSITY;  
DOES 1 to 50,  
  
                                Defendants.

CIV. NO. 2:17-00756 WBS KJN

-----oo0oo-----

STATUS (PRETRIAL SCHEDULING) ORDER

After reviewing the parties' Joint Status Report, the court hereby vacates the Status (Pretrial Scheduling) Conference scheduled for August 14, 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 service is permitted without leave of court, good cause having

1 been shown under Federal Rule of Civil Procedure 16(b).

2 II. JOINDER OF PARTIES/AMENDMENTS

3 No further joinder of parties or amendments to pleadings  
4 will be permitted by any party except with leave of court, good  
5 cause having been shown under Federal Rule of Civil Procedure  
6 16(b). See Johnson v. Mammoth Recreations, Inc., 975 F.2d 604  
7 (9th Cir. 1992).

8 III. JURISDICTION/VENUE

9 Jurisdiction is predicated upon federal question  
10 jurisdiction, 28 U.S.C. § 1331, because plaintiff's claim arise  
11 under Title IX of the Education Amendments of 1972, 20 U.S.C. §  
12 1681. Supplemental jurisdiction is predicated upon 28 U.S.C. §  
13 1367. Venue is undisputed and is hereby found to be proper.

14 IV. DISCOVERY

15 The parties agreed to serve the initial disclosures  
16 required by Federal Rule of Civil Procedure 26(a)(1) by no later  
17 than July 21, 2017. Any such disclosures not served shall be  
18 served no later than September 11, 2017.

19 The parties shall disclose experts and produce reports  
20 in accordance with Federal Rule of Civil Procedure 26(a)(2) by no  
21 later than August 17, 2018. With regard to expert testimony  
22 intended solely for rebuttal, those disclosures shall be  
23 disclosed and reports produced in accordance with Federal Rule of  
24 Civil Procedure 26(a)(2) on or before September 14, 2018.

25 All discovery, including depositions for preservation of  
26 testimony, is left open, save an except that it shall be so  
27 conducted as to be completed by October 26, 2018. The word  
28 "completed" means that all discovery shall have been conducted so

1 that all depositions have been taken and any disputes relevant to  
2 discovery shall have been resolved by appropriate order if  
3 necessary and, where discovery has been ordered, the order has  
4 been obeyed. All motions to compel discovery must be noticed on  
5 the magistrate judge's calendar in accordance with the local  
6 rules of this court and so that such motions may be heard (and  
7 any resulting orders obeyed) not later than October 26, 2018.

8 V. MOTION HEARING SCHEDULE

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

16 VI. FINAL PRETRIAL CONFERENCE

17 The Final Pretrial Conference is set for January 28,  
18 2019, at 1:30 p.m. in Courtroom No. 5. The conference shall be  
19 attended by at least one of the attorneys who will conduct the  
20 trial for each of the parties and by any unrepresented parties.

21 Counsel for all parties are to be fully prepared for  
22 trial at the time of the Pretrial Conference, with no matters  
23 remaining to be accomplished except production of witnesses for  
24 oral testimony. Counsel shall file separate pretrial statements,  
25 and are referred to Local Rules 281 and 282 relating to the  
26 contents of and time for filing those statements. In addition to  
27 those subjects listed in Local Rule 281(b), the parties are to  
28 provide the court with: (1) a plain, concise statement which

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

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

12 VII. TRIAL SETTING

13 The jury trial is set for April 2, 2019, at 9:00 a.m.  
14 The parties estimate that a jury trial will last five days.

15 VIII. SETTLEMENT CONFERENCE

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

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IX. MODIFICATIONS TO SCHEDULING ORDER

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

Dated: August 8, 2017

  

---

**WILLIAM B. SHUBB**  
**UNITED STATES DISTRICT JUDGE**