

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

JAY SCHIFFMAN and ANTHONY  
WILLIAMS, on behalf of  
themselves and all others  
similarly situated,

Plaintiffs,

v.

URBANI TRUFFLES USA, INC.,  
Defendant.

No. 2:17-cv-00935-TLN-CKD

PRETRIAL SCHEDULING ORDER

After reviewing the parties' Joint Status Report, 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.

///

///

1 III. JURISDICTION/VENUE

2 Jurisdiction is predicated upon 28 U.S.C. § 1332 (d)(2)(A).  
3 Jurisdiction and venue are not contested.

4  
5 **PHASE I - CLASS CERTIFICATION**

6  
7 IV. DISCOVERY

8 The Court having considered the parties' positions finds  
9 that bifurcation is necessary in order to best determine if the  
10 elements of class certification are met. Accordingly, the Court  
11 hereby bifurcates the discovery process. All discovery in Phase  
12 I shall be limited to facts that are relevant to whether this  
13 action should be certified as a class action and shall be  
14 completed by **January 12, 2018**. In this context, "completed"  
15 means that all discovery shall have been conducted so that all  
16 depositions have been taken and any disputes relative to  
17 discovery shall have been resolved by appropriate order if  
18 necessary and, where discovery has been ordered, the order has  
19 been obeyed. All motions to compel discovery must be noticed on  
20 the magistrate judge's calendar in accordance with the local  
21 rules of this Court.

22 V. DISCLOSURE OF EXPERT WITNESSES

23 All counsel are to designate in writing, file with the  
24 Court, and serve upon all other parties the name, address, and  
25 area of expertise of each expert that they propose to tender at  
26 class certification not later than **February 12, 2018**.<sup>1</sup> The

---

27 <sup>1</sup> The discovery of experts will include whether any motions based on  
28 Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579 (1993) and/or  
Kumho Tire Co. v. Carmichael, 119 S. Ct. 1167 (1999) are anticipated.

1 designation shall be accompanied by a written report prepared and  
2 signed by the witness. The report shall comply with Fed. R. Civ.  
3 P. 26(a)(2)(B).

4 Within twenty (20) days after the designation of expert  
5 witnesses, any party may designate a supplemental list of expert  
6 witnesses who will express an opinion on a subject covered by an  
7 expert designated by an adverse party. The right to designate a  
8 supplemental expert for rebuttal purposes only shall apply to a  
9 party who has not previously disclosed an expert witness on the  
10 date set for expert witness disclosure by this Pretrial  
11 Scheduling Order.

12 For purposes of this Pretrial Scheduling Order, an "expert"  
13 is any person who may be used at trial to present evidence under  
14 Rules 702, 703, and 705 of the Federal Rules of Evidence, which  
15 include both "percipient experts" (persons who, because of their  
16 expertise, have rendered expert opinions in the normal course of  
17 their work duties or observations pertinent to the issues in the  
18 case) and "retained experts" (persons specifically designated by  
19 a party to be a testifying expert for the purposes of  
20 litigation).

21 Each party shall identify whether a disclosed expert is  
22 percipient, retained, or both. It will be assumed that a party  
23 designating a retained expert has acquired the express permission  
24 of the witness to be so listed. Parties designating percipient  
25 experts must state in the designation who is responsible for  
26 arranging the deposition of such persons.

27 All experts designated are to be fully prepared at the time  
28 of designation to render an informed opinion, and give their

1 bases for their opinion, so that they will be able to give full  
2 and complete testimony at any deposition taken by the opposing  
3 party.

4 VI. CLASS CERTIFICATION

5 The Motion for Class Certification shall be filed by **April**  
6 **19, 2018**. The parties are responsible for ensuring that all  
7 motions are filed to allow for proper notice of the hearing under  
8 the Federal Rules of Civil Procedure and/or Local Rules. Local  
9 Rule 230 governs the calendaring and procedures of civil motions  
10 with the addition that when the last day for filing an opposition  
11 brief falls on a legal holiday, the opposition brief shall be  
12 filed on the last court day immediately preceding the legal  
13 holiday.

14 Failure to comply with Local Rule 230(c), may be deemed  
15 consent to the motion and the Court may dispose of the motion  
16 summarily.

17 VII. POST-CERTIFICATION CASE ACTIVITY

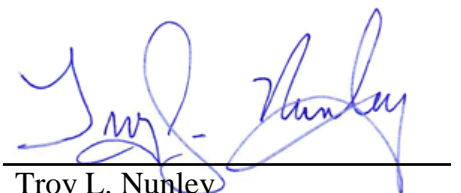
18 All other necessary dates and deadlines, including dates for  
19 the Final Pretrial Conference and Trial, along with all deadlines  
20 associated therewith, will be set by a Supplemental Pretrial  
21 Scheduling Order to be issued following the Class Certification  
22 hearing.

23 VIII. OBJECTIONS TO PRETRIAL SCHEDULING ORDER

24 This Pretrial Scheduling Order will become final without  
25 further order of the Court unless objections are filed within  
26 *fourteen* (14) days of service of this Order.

27 IT IS SO ORDERED.

28 DATED: July 11, 2017

  
Troy L. Nunley  
United States District Judge