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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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ROSS SANDERS, Individually;  
DONNA SANDERS, Individually;  
DANIELLE ERIN NIELSEN,  
Individually and as co-  
Successor in Interest for  
Decedent LUKE SANDERS; and  
Ab. S., Ad. S., E.S., and  
L.S., all minors, through  
their mother and Next Friend  
DANIELLE ERIN NIELSEN,  
Individually and as co-  
Successors in Interest for  
Decedent Luke Sanders,

Plaintiffs,

v.

COUNTY OF SISKIYOU, a public  
entity; SISKIYOU COUNTY  
SHERIFF'S DEPUTY JOHN ZOOK;  
SISKIYOU COUNTY SHERIFF'S  
DEPUTY JUAN RUIZ; and DOES 1-  
10, Individually, and Jointly  
and Severally,

Defendants.

Civ. No. 2:17-01040 WBS CMK

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STATUS (PRETRIAL SCHEDULING) ORDER

After reviewing the parties' Joint Status Report, the court hereby vacates the Status (Pretrial Scheduling) Conference scheduled for September, 25, 2017, and makes the following findings and orders without needing to consult with the parties any further.

I. SERVICE OF PROCESS

The named defendants have been served, and no further service is permitted except with leave of court, good cause having been shown under Federal Rule of Civil Procedure 16(b).

II. JOINDER OF PARTIES/AMENDMENTS TO PLEADINGS

No further joinder of parties or amendment to pleadings is permitted except with leave of court, good cause having been shown under Federal Rule of Civil Procedure 16(b). See Johnson v. Mammoth Recreations, Inc., 975 F.2d 604 (9th Cir. 1992).

III. JURISDICTION/VENUE

Jurisdiction is predicated upon federal question jurisdiction, 28 U.S.C. §§ 1331, 1343, because plaintiffs assert claims arising under 42 U.S.C. §§ 1983 and 1988; Title II of the Americans with Disabilities Act, 42 U.S.C. § 12132 *et seq.*; § 504 of the Rehabilitation Act, 29 U.S.C. §§ 794 and 794a *et seq.*; 42 USC §§ 2000d-7 and 12202; and the First, Fourth, and Fourteenth Amendments to the United States Constitution. Supplemental jurisdiction is predicated upon 28 U.S.C. § 1367. Venue is undisputed and hereby found to be proper.

IV. DISCOVERY

The parties agreed to serve the initial disclosures required by Federal Rule of Civil Procedure 26(a)(1) by no later

1 than September 15, 2017.

2           The parties shall disclose experts and produce reports  
3 in accordance with Federal Rule of Civil Procedure 26(a)(2) by  
4 June 22, 2018. With regard to expert testimony intended solely  
5 for rebuttal, those experts shall be disclosed and reports  
6 produced in accordance with Rule 26(a)(2) by July 23, 2018.

7           All other discovery, including depositions for  
8 preservation of testimony, is left open, save and except that it  
9 shall be so conducted as to be completed by August 22, 2018. The  
10 word "completed" means that all discovery shall have been  
11 conducted so that all depositions have been taken and any  
12 disputes relevant to discovery shall have been resolved by  
13 appropriate order if necessary and, where discovery has been  
14 ordered, the order has been obeyed. All motions to compel  
15 discovery must be noticed on the magistrate judge's calendar in  
16 accordance with the local rules of this court and so that such  
17 motions may be heard (and any resulting orders obeyed) not later  
18 than August 22, 2018.

19           According to Federal Rule of Civil Procedure  
20 30(a)(2)(A), parties may take up to ten depositions unless they  
21 enter into a stipulation or obtain leave of court to take more.  
22 Here, the parties state that an increase in the number of  
23 depositions is appropriate because of the number of plaintiffs,  
24 defendants, witnesses, and first responders. The parties agree  
25 that each party shall be permitted to take twenty depositions.

26           Under Federal Rule of Civil Procedure 30(d)(1),  
27 "unless otherwise stipulated or ordered by the court, a  
28 deposition is limited to 1 day of 7 hours." The parties agree

1 that each party shall be permitted to take ten depositions of up  
2 to seven hours each, and ten depositions of up to three hours  
3 each.

4 V. MOTION HEARING SCHEDULE

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

12 VI. FINAL PRETRIAL CONFERENCE

13 The Final Pretrial Conference is set for January 14,  
14 2019, at 1:30 p.m. in Courtroom No. 5. The conference shall be  
15 attended by at least one of the attorneys who will conduct the  
16 trial for each of the parties and by any unrepresented parties.

17 Counsel for all parties are to be fully prepared for  
18 trial at the time of the Pretrial Conference, with no matters  
19 remaining to be accomplished except production of witnesses for  
20 oral testimony. Counsel shall file separate pretrial statements,  
21 and are referred to Local Rules 281 and 282 relating to the  
22 contents of and time for filing those statements. In addition to  
23 those subjects listed in Local Rule 281(b), the parties are to  
24 provide the court with: (1) a plain, concise statement which  
25 identifies every non-discovery motion which has been made to the  
26 court, and its resolution; (2) a list of the remaining claims as  
27 against each defendant; and (3) the estimated number of trial  
28 days.

1 In providing the plain, concise statements of  
2 undisputed facts and disputed factual issues contemplated by  
3 Local Rule 281(b)(3)-(4), the parties shall emphasize the claims  
4 that remain at issue, and any remaining affirmatively pled  
5 defenses thereto. If the case is to be tried to a jury, the  
6 parties shall also prepare a succinct statement of the case,  
7 which is appropriate for the court to read to the jury. (feb 28

8 VII. TRIAL SETTING

9 A jury trial is set for March 5, 2019 at 9:00 a.m. The  
10 parties estimate that trial will last 20 days.

11 VIII. SETTLEMENT CONFERENCE

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

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

25 IX. MODIFICATIONS TO SCHEDULING ORDER

26 Any requests to modify the dates or terms of this  
27 Scheduling Order, except requests to change the date of the  
28 trial, may be heard and decided by the assigned Magistrate Judge.

1 All requests to change the trial date shall be heard and decided  
2 only by the undersigned judge.

3 Dated: September 20, 2017



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4 WILLIAM B. SHUBB  
5 UNITED STATES DISTRICT JUDGE  
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