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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,

CIV. NO. 2:17-01424 WBS CMK

Plaintiff,

v.

KERNEN CONSTRUCTION and BUNDY
& SONS, INC., d/b/a BUNDY &
SONS LOGGING,

Defendants.

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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 November 6, 2017, and makes the following findings and orders without needing to consult with the parties any further.

I. SERVICE OF PROCESS

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

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

2 II. JOINDER OF PARTIES/AMENDMENTS

3 No further joinder of parties or amendments to
4 pleadings will be permitted 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 28 U.S.C. §§ 1331 and
10 1345. Venue is undisputed and hereby found to be proper.

11 IV. DISCOVERY

12 The parties agree to serve the initial disclosures
13 required by Federal Rule of Civil Procedure 26(a)(1) by November
14 20, 2017.

15 The parties shall disclose experts and produce reports
16 in accordance with Federal Rule of Civil Procedure 26(a)(2) by no
17 later than June 1, 2018. With regard to expert testimony
18 intended solely for rebuttal, those experts shall be disclosed
19 and reports produced in accordance with Federal Rule of Civil
20 Procedure 26(a)(2) on or before July 2, 2018. All other
21 discovery, including depositions for preservation of testimony,
22 is left open, save and except that it shall be so conducted as to
23 be completed by August 2, 2018. The word "completed" means that
24 all discovery shall have been conducted so that all depositions
25 have been taken and any disputes relevant to discovery shall have
26 been resolved by appropriate order if necessary and, where
27 discovery has been ordered, the order has been obeyed. All
28 motions to compel discovery must be noticed on the magistrate

1 judge's calendar in accordance with the local rules of this court
2 and so that such motions may be heard (and any resulting orders
3 obeyed) not later than August 2, 2018.

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 August 20, 2018. All motions shall be noticed
8 for the next available hearing date. Counsel are cautioned to
9 refer to the local rules regarding the requirements for noticing
10 and opposing such motions on the court's regularly scheduled law
11 and motion calendar.

12 VI. FINAL PRETRIAL CONFERENCE

13 The Final Pretrial Conference is set for October 22,
14 2018, 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.

8 VII. TRIAL SETTING

9 The jury trial is set for December 4, 2018 at 9:00 a.m.
10 Plaintiff estimates a jury trial will last five days. Defendants
11 estimate that trial on plaintiff's complaint will last seven to
12 ten days, with an additional five days needed for adjudicating
13 issues attendant to their respective cross-complaints.

14 VIII. SETTLEMENT CONFERENCE

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

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

28 IX. MODIFICATIONS TO SCHEDULING ORDER

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

6 IT IS SO ORDERED.

7 Dated: October 30, 2017



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

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