

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

OLIVIA FRY,  
  
Plaintiff,  
  
v.  
  
VIATECH PUBLISHING SOLUTIONS,  
INC.; ATTORNEY'S CORPORATION  
SERVICES, INC.; and DIES 1  
through 20, inclusive,  
  
Defendants.

CIV. NO. 2:17-2101 WBS AC

STATUS (PRETRIAL SCHEDULING) ORDER

After reviewing the parties' Joint Status Report, the court hereby vacates the Status (Pretrial Scheduling) Conference scheduled for February 12, 2018, 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 under Federal Rule of Civil Procedure 16(b).

1    II.   JOINDER OF PARTIES/AMENDMENTS

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

7    III. JURISDICTION/VENUE

8           Federal jurisdiction is predicated on diversity of  
9 citizenship under 28 U.S.C. § 1332(a) and § 1441 (b).  Venue is  
10 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) on or before  
14 February 5, 2018.

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 September 28, 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 October 26, 2018.

21           All other discovery, including depositions for  
22 preservation of testimony, is left open, save and except that it  
23 shall be so conducted as to be completed by November 30, 2018.  
24 The word "completed" means that all discovery shall have been  
25 conducted so that all depositions have been taken and any  
26 disputes relevant to discovery shall have been resolved by  
27 appropriate order if necessary and, where discovery has been  
28 ordered, the order has been obeyed.  All motions to compel

1 discovery must be noticed on the magistrate judge's calendar in  
2 accordance with the local rules of this court and so that such  
3 motions may be heard (and any resulting orders obeyed) not later  
4 than November 30, 2018. The parties have agreed to allow up to  
5 35 special interrogatories and each side may conduct up to 10  
6 deposition, not including expert depositions.

7 V. MOTION HEARING SCHEDULE

8 All motions, except motions for continuances, temporary  
9 restraining orders, or other emergency applications, shall be  
10 filed on or before December 21, 2018. All motions shall be  
11 noticed for the next available hearing date. Counsel are  
12 cautioned to refer to the local rules regarding the requirements  
13 for noticing and opposing such motions on the court's regularly  
14 scheduled law and motion calendar.

15 VI. FINAL PRETRIAL CONFERENCE

16 The Final Pretrial Conference is set for February 25,  
17 2019, at 1:30 p.m. in Courtroom No. 5. The conference shall be  
18 attended by at least one of the attorneys who will conduct the  
19 trial for each of the parties and by any unrepresented parties.

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

1 court, and its resolution; (2) a list of the remaining claims as  
2 against each defendant; and (3) the estimated number of trial  
3 days.

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

11 VII. TRIAL SETTING

12 The jury trial is set for April 16, 2019 at 9:00 a.m.  
13 The parties estimate that a jury trial will last eight to ten  
14 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 IX. MODIFICATIONS TO SCHEDULING ORDER

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

7 IT IS SO ORDERED.

8 Dated: February 7, 2018



9 WILLIAM B. SHUBB  
10 UNITED STATES DISTRICT JUDGE  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28