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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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FORD MOTOR COMPANY,

Plaintiff,

v.

NAVEX TRADING COMPANY, INC.
d/b/a NEW AUTOS INC.,

Defendant.

CIV NO. 2:17-2481 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 March 26, 2018, 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. No further

1 service will be permitted without leave of court, good cause
2 having been shown under Federal Rule of Civil Procedure 16(b).

3 II. JOINDER OF PARTIES/AMENDMENTS

4 Both parties submit that, following initial discovery,
5 it may be necessary to add additional parties, including any
6 potential purchasers or others involved in the sale of the car at
7 issue. After that, no further joinder of parties or amendments
8 to pleadings will be permitted except with leave of court, good
9 cause having been shown under Federal Rule of Civil Procedure
10 16(b). See Johnson v. Mammoth Recreations, Inc., 975 F.2d 604
11 (9th Cir. 1992).

12 Plaintiff agrees to strike its claim for injunctive
13 relief if defendant is able to prove that it is no longer
14 necessary.

15 III. JURISDICTION/VENUE

16 Jurisdiction is predicated upon diversity jurisdiction,
17 28 U.S.C. § 1332(a), because the amount in controversy exceeds
18 \$75,000 and plaintiff and defendant are citizens of different
19 states. Venue is undisputed and hereby found to be proper.

20 IV. DISCOVERY

21 The parties agree to serve the initial disclosures
22 required by Federal Rule of Civil Procedure 26(a)(1) by March 28,
23 2018.

24 To the extent parties intend to use experts, the
25 parties shall disclose experts and produce reports in accordance
26 with Federal Rule of Civil Procedure 26(a)(2) by no later than
27 October 26, 2018. With regard to expert testimony intended
28 solely for rebuttal, those experts shall be disclosed and reports

1 produced in accordance with Federal Rule of Civil Procedure
2 26(a)(2) on or before November 23, 2018.

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

15 The parties expect to submit for the court's approval a
16 stipulated protective order regarding the confidentiality and
17 other treatment of materials produced in discovery.

18 V. MOTION HEARING SCHEDULE

19 All motions, except motions for continuances, temporary
20 restraining orders, or other emergency applications, shall be
21 filed on or before January 30, 2019. All motions shall be
22 noticed for the next available hearing date. Counsel are
23 cautioned to refer to the local rules regarding the requirements
24 for noticing and opposing such motions on the court's regularly
25 scheduled law and motion calendar.

26 VI. FINAL PRETRIAL CONFERENCE

27 The Final Pretrial Conference is set for April 15,
28 2019, at 1:30 p.m. in Courtroom No. 5. The conference shall be

1 attended by at least one of the attorneys who will conduct the
2 trial for each of the parties and by any unrepresented parties.

3 Counsel for all parties are to be fully prepared for
4 trial at the time of the Pretrial Conference, with no matters
5 remaining to be accomplished except production of witnesses for
6 oral testimony. Counsel shall file separate pretrial statements,
7 and are referred to Local Rules 281 and 282 relating to the
8 contents of and time for filing those statements. In addition to
9 those subjects listed in Local Rule 281(b), the parties are to
10 provide the court with: (1) a plain, concise statement which
11 identifies every non-discovery motion which has been made to the
12 court, and its resolution; (2) a list of the remaining claims as
13 against each defendant; and (3) the estimated number of trial
14 days.

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

22 VII. TRIAL SETTING

23 The jury trial is set for June 18, 2019 at 9:00 a.m.
24 The parties estimate that a jury trial will last three to five
25 days.

26 VIII. SETTLEMENT CONFERENCE

27 A Settlement Conference will be set at the time of the
28 Pretrial Conference. All parties should be prepared to advise

1 the court whether they will stipulate to the trial judge acting
2 as settlement judge and waive disqualification by virtue thereof.

3 Counsel are instructed to have a principal with full
4 settlement authority present at the Settlement Conference or to
5 be fully authorized to settle the matter on any terms. At least
6 seven calendar days before the Settlement Conference counsel for
7 each party shall submit a confidential Settlement Conference
8 Statement for review by the settlement judge. If the settlement
9 judge is not the trial judge, the Settlement Conference
10 Statements shall not be filed and will not otherwise be disclosed
11 to the trial judge.

12 IX. MODIFICATIONS TO SCHEDULING ORDER


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

18 X. RELATED CASES

19 This case is not related to any other cases in this
20 district. However, a case is currently pending in the United
21 States District Court Eastern District of Michigan which was
22 filed by Ford against the original purchaser of the subject
23 vehicle, John Cena. That action is pending as Ford v. Cena, USDC
24 E.D. Mich., 2:17-cv-13876 AJT DRG.

25 IT IS SO ORDERED.

26 Dated: March 21, 2018

27 
28 **WILLIAM B. SHUBB**
UNITED STATES DISTRICT JUDGE