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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RAENA DHUY,

Plaintiff,

v.

BOOZ ALLEN HAMILTON, INC.,

Defendant.

No. 2:17-cv-2714 KJM KJN

STATUS (PRETRIAL SCHEDULING)

ORDER

An initial scheduling conference was held in this case on March 29, 2018.

Lindsey Wagner appeared for plaintiff; Britney Torres appeared for defendant.

Having reviewed the parties' Joint Status Report filed on March 22, 2018, and discussed a schedule for the case with counsel at the hearing, the court makes the following orders:

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 further joinder of parties or amendments to pleadings is permitted without leave of court, good cause having been shown. *See* Fed. R. Civ. P. 16(b); *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604 (9th Cir. 1992).

1 The court and counsel discussed whether plaintiff needs to file an amended
2 complaint to clarify that the claims in the complaint are not asserted on a representative or class
3 basis. The parties agree the claims pursued in this action are on behalf of plaintiff herself only.
4 The court will note this clarification on the court’s docket in the “Docket Text” for ECF No. 1,
5 and will not require an amended complaint.

6 **III. JURISDICTION/VENUE**

7 Subject matter jurisdiction is predicated upon 28 U.S.C. §§ 1331 and 1343(a)(4)
8 and supplemental jurisdiction over plaintiff’s state law claims under 28 U.S.C. § 1367.
9 Jurisdiction and venue are not disputed.

10 **IV. DISCOVERY**

11 Initial disclosures as required by Federal Rule of Civil Procedure 26(a) shall be
12 completed by **April 12, 2018**. All discovery shall be completed by **February 15, 2019**. In this
13 context, “completed” means that all discovery shall have been conducted so that all depositions
14 have been taken and any disputes relative to discovery shall have been resolved by appropriate
15 order if necessary and, where discovery has been ordered, the order has been obeyed. All
16 motions to compel discovery must be noticed on the magistrate judge’s calendar in accordance
17 with the local rules of this court. While the assigned magistrate judge reviews proposed
18 discovery phase protective orders, requests to seal or redact are decided by Judge Mueller as
19 discussed in more detail below. In addition, while the assigned magistrate judge handles
20 discovery motions, the magistrate judge cannot change the schedule set in this order, except that
21 the magistrate judge may modify a discovery cutoff to the extent such modification does not have
22 the effect of requiring a change to the balance of the schedule.

23 **V. DISCLOSURE OF EXPERT WITNESSES**

24 All counsel are to designate in writing and serve upon all other parties the name,
25 address, and area of expertise of each expert that they propose to tender at trial not later than
26 **March 1, 2019**. The designation shall be accompanied by a written report prepared and signed
27 by the witness. The report shall comply with Fed. R. Civ. P. 26(a)(2)(B). By **March 22, 2019**,
28 any party who previously disclosed expert witnesses may submit a supplemental list of expert

1 witnesses who will express an opinion on a subject covered by an expert designated by an adverse
2 party, if the party supplementing an expert witness designation has not previously retained an
3 expert to testify on that subject. The supplemental designation shall be accompanied by a written
4 report, which shall also comply with the conditions stated above.

5 Failure of a party to comply with the disclosure schedule as set forth above in all
6 likelihood will preclude that party from calling the expert witness at the time of trial. An expert
7 witness not appearing on the designation will not be permitted to testify unless the party offering
8 the witness demonstrates: (a) that the necessity for the witness could not have been reasonably
9 anticipated at the time the list was proffered; (b) that the court and opposing counsel were
10 promptly notified upon discovery of the witness; and (c) that the witness was promptly made
11 available for deposition.

12 For purposes of this scheduling order, an “expert” is any person who may be used
13 at trial to present evidence under Rules 702, 703 and 705 of the Federal Rules of Evidence, which
14 include both “percipient experts” (persons who, because of their expertise, have rendered expert
15 opinions in the normal course of their work duties or observations pertinent to the issues in the
16 case) and “retained experts” (persons specifically designated by a party to be a testifying expert
17 for the purposes of litigation). A party shall identify whether a disclosed expert is percipient,
18 retained, or both. It will be assumed that a party designating a retained expert has acquired the
19 express permission of the witness to be so listed. Parties designating percipient experts must state
20 in the designation who is responsible for arranging the deposition of such persons.

21 All experts designated are to be fully prepared at the time of designation to render
22 an informed opinion, and give the bases for their opinion, so that they will be able to give full and
23 complete testimony at any deposition taken by the opposing party. Experts will not be permitted
24 to testify at trial as to any information gathered or evaluated, or opinion formed, after deposition
25 taken subsequent to designation. All expert discovery shall be completed by **April 23, 2019**.

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1 VI. MOTION HEARING SCHEDULE

2 All dispositive motions, except motions for continuances, temporary restraining
3 orders or other emergency applications, shall be heard no later than June 1, 2019.¹ The parties
4 may obtain available hearing dates by checking Judge Mueller's page on the court's website.

5 All purely legal issues are to be resolved by timely pretrial motions. Local Rule
6 230 governs the calendaring and procedures of civil motions; the following provisions also apply:

7 (a) The opposition and reply must be filed by 4:00 p.m. on the day due; and

8 (b) When the last day for filing an opposition brief falls on a legal holiday, the
9 opposition brief shall be filed on the last court day immediately preceding the legal holiday.

10 Failure to comply with Local Rule 230(c), as modified by this order, may be deemed consent to
11 the motion and the court may dispose of the motion summarily. *Brydges v. Lewis*, 18 F.3d 651,
12 652-53 (9th Cir. 1994).

13 The court values the importance of training young attorneys. The parties are
14 encouraged to consider assigning oral argument to a young attorney. If a written request for oral
15 argument is filed before a hearing, stating an attorney of four or fewer years out of law school
16 will argue the oral argument, then the court will ordinarily hold the hearing, although the court's
17 schedule and calendar may require the hearing to be reset. Otherwise, the court may find it
18 appropriate in some actions to submit a motion without oral argument.

19 The court places a page limit of twenty (20) pages on all moving papers, twenty
20 (20) pages on oppositions, and ten (10) pages for replies. All requests for page limit increases
21 must be made in writing at least fourteen (14) days prior to the filing of the motion.

22 Prior to filing a motion in a case in which the parties are represented by counsel,
23 counsel shall engage in a pre-filing meet and confer to discuss thoroughly the substance of the
24 contemplated motion and any potential resolution. Plaintiff's counsel should carefully evaluate
25 the defendant's contentions as to deficiencies in the complaint and in many instances the party
26 considering a motion should agree to any amendment that would cure a curable defect. Counsel

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¹ Note that this date may not correspond to a law and motion calendar date.

1 should discuss the issues sufficiently so that if a motion of any kind is filed, including for
2 summary judgment, the briefing is directed only to those substantive issues requiring resolution
3 by the court. Counsel should resolve minor procedural or other non-substantive matters during
4 the meet and confer. **A notice of motion shall contain a certification by counsel filing the**
5 **motion that meet and confer efforts have been exhausted, with a brief summary of meet and**
6 **confer efforts.**

7 The parties are cautioned that failure to raise a dispositive legal issue that could
8 have been tendered to the court by proper pretrial motion prior to the dispositive motion cut-off
9 date may constitute waiver of such issue.

10 VII. SEALING

11 No document will be sealed, nor shall a redacted document be filed, without the
12 prior approval of the court. If a document for which sealing or redaction is sought relates to the
13 record on a motion to be decided by Judge Mueller, the request to seal or redact should be
14 directed to her and not the assigned Magistrate Judge. All requests to seal or redact shall be
15 governed by Local Rules 141 (sealing) and 140 (redaction); protective orders covering the
16 discovery phase of litigation shall not govern the filing of sealed or redacted documents on the
17 public docket. The court will only consider requests to seal or redact filed by the proponent of
18 sealing or redaction. If a party plans to make a filing that includes material an opposing party has
19 identified as confidential and potentially subject to sealing, the filing party shall provide the
20 opposing party with sufficient notice in advance of filing to allow for the seeking of an order of
21 sealing or redaction from the court.

22 VIII. FURTHER SCHEDULING

23 The court will set a Final Pretrial Conference date after the resolution of any
24 dispositive motions, or passage of the dispositive motion cutoff, with a trial date being
25 determined at the pretrial conference. The parties should be prepared to confirm a trial date
26 within 60 to 120 days from the date of the final pretrial conference, and should be available for
27 trial accordingly.

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1 IX. SETTLEMENT CONFERENCE

2 The parties are currently engaged in direct negotiations and will consider formal
3 mediation if they are unable to reach a resolution. On or before **November 30, 2018**, the parties
4 shall notify the court in writing of the status of their negotiations, and if they wish referral to the
5 court's Voluntary Dispute Resolution Panel (VDRP) or a settlement conference before a
6 randomly drawn judge of the court.

7 X. MODIFICATION OF STATUS (PRETRIAL SCHEDULING) ORDER

8 The parties are reminded that pursuant to Rule 16(b) of the Federal Rules of Civil
9 Procedure, the Status (Pretrial Scheduling) Order shall not be modified except by leave of court
10 upon a showing of good cause. Agreement of the parties by stipulation alone does not constitute
11 good cause. Except in extraordinary circumstances, unavailability of witnesses or counsel does
12 not constitute good cause.

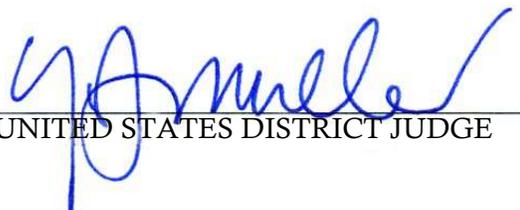
13 As noted, the assigned magistrate judge is authorized to modify only the discovery
14 dates shown above to the extent any such modification does not impact the balance of the
15 schedule of the case.

16 XI. OBJECTIONS TO STATUS (PRETRIAL SCHEDULING) ORDER

17 This Status Order will become final without further order of the court unless
18 objections are filed within fourteen (14) *calendar* days of service of this Order.

19 IT IS SO ORDERED.

20 DATED: April 10, 2018.

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24 UNITED STATES DISTRICT JUDGE
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