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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEFFREY DREVDAHL,

Plaintiff,

v.

CITY OF FAIRFIELD, municipal
corporation; J. WILLIAMS, in his
individual capacity and as a police officer
for the Fairfield Police Department,

Defendants.

No. 2:20-cv-0859 DB

STATUS (PRETRIAL SCHEDULING) ORDER

READ THIS ORDER CAREFULLY. IT CONTAINS IMPORTANT DATES WHICH
THE COURT WILL STRICTLY ENFORCE AND WITH WHICH ALL COUNSEL AND
PARTIES MUST COMPLY. A FAILURE TO COMPLY WITH THE TERMS OF THIS
ORDER MAY RESULT IN THE IMPOSITION OF MONETARY AND ALL OTHER
SANCTIONS WITHIN THE POWER OF THE COURT, INCLUDING DISMISSAL OR AN
ORDER OF JUDGMENT.

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1 Pursuant to court order, a Status (Pretrial Scheduling) Conference was held in this action
2 on November 13, 2020, at 10:00 a.m. before the undersigned.¹ Attorney Patrick Buelna appeared
3 via Zoom on behalf of plaintiff. And attorneys Joanne Tran and Gregory Fox appeared via Zoom
4 on behalf of defendants.

5 After hearing, the court makes the following findings and orders:

6 **SERVICE OF PROCESS**

7 Service of process has been completed. No further service is permitted except with leave
8 of court, good cause having been shown.

9 **JOINDER OF PARTIES/AMENDMENTS**

10 No further joinder of parties or amendment to pleadings is permitted except with leave of
11 court, good cause having been shown. See Johnson v. Mammoth Recreations, Inc., 975 F.2d 604,
12 609-10 (9th Cir. 1992).

13 **JURISDICTION/VENUE**

14 Jurisdiction over plaintiff's claims is predicated upon 28 U.S.C. § 1331, is not disputed,
15 and is hereby found to be proper. Venue is not disputed and is also found to be proper.

16 **DISCOVERY**

17 The parties shall make initial disclosures under Federal Rule of Civil Procedure 26 no
18 later than 28 days from the date of this order. Plaintiff shall disclose experts no later than **May**
19 **28, 2021**. Defendants shall disclose experts no later than **June 11, 2021**. Rebuttal experts shall
20 be disclosed no later than **June 25, 2021**. All discovery is left open, save and except that it shall
21 be so conducted as to be completed by **October 29, 2021**. The word "completed" means that all
22 discovery shall have been conducted so that all depositions have been taken and any disputes
23 relative to discovery shall have been resolved by appropriate order if necessary and, where
24 discovery has been ordered, the order has been complied with.

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28 ¹ The parties have consented to Magistrate Judge jurisdiction over this action pursuant to 28
U.S.C. § 636(c). (ECF No. 8.)

1 **MOTION HEARING SCHEDULE**

2 All law and motion, except as to discovery is left open, save and except that it shall be
3 conducted so as to be completed by **December 17, 2021**. The word “completed” in this context
4 means that all law and motion matters must be heard by the above date. The parties are cautioned
5 to refer to the local rules regarding the requirements for noticing such motions on the court’s
6 regularly scheduled law and motion calendar. This paragraph does not preclude motions for
7 continuances, temporary restraining orders or other emergency applications, and is subject to any
8 special scheduling set forth in the “MISCELLANEOUS PROVISIONS” paragraph below.

9 The parties should keep in mind that the purpose of law and motion is to narrow and
10 refine the legal issues raised by the case, and to dispose of by pretrial motion those issues that are
11 susceptible to resolution without trial. To accomplish that purpose, the parties need to identify
12 and fully research the issues presented by the case, and then examine those issues in light of the
13 evidence gleaned through discovery. If it appears after examining the legal issues and facts that
14 an issue can be resolved by pretrial motion, the parties are to file the appropriate motion by the
15 law and motion cutoff set forth supra.

16 **ALL PURELY LEGAL ISSUES ARE TO BE RESOLVED BY TIMELY PRETRIAL**
17 **MOTION.** The parties are reminded that motions in limine are procedural devices designed to
18 address the admissibility of evidence. **THE PARTIES ARE CAUTIONED THAT THE COURT**
19 **WILL LOOK WITH DISFAVOR UPON SUBSTANTIVE MOTIONS PRESENTED IN THE**
20 **GUISE OF MOTIONS IN LIMINE AT THE TIME OF TRIAL.**

21 **FINAL PRETRIAL CONFERENCE**

22 The Final Pretrial Conference is set for **March 11, 2022, at 1:30 p.m.** in courtroom no. 27
23 before the undersigned. Counsel appearing at the Final Pretrial Conference shall be lead counsel
24 at trial.

25 The parties are to be fully prepared for trial at the time of the Pretrial Conference, with no
26 matters remaining to be accomplished except production of witnesses for oral testimony. The
27 parties are referred to Local Rules 281 and 282 relating to the contents of and time for filing

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1 Pretrial Statements. A FAILURE TO COMPLY WITH LOCAL RULES 281 AND 282 WILL
2 BE GROUNDS FOR SANCTIONS.

3 Notwithstanding the provisions of Local Rule 281, which contemplates the filing of
4 separate Pretrial Statements by plaintiff and defendants, the parties are to prepare a JOINT
5 STATEMENT with respect to the undisputed facts and disputed factual issues of the case. The
6 undisputed facts and disputed factual issues are to be set forth in two separate sections. The
7 parties should identify those facts which are relevant to each separate cause of action. In this
8 regard, the parties are to number each individual fact or factual issue. Where the parties are
9 unable to agree as to what factual issues are properly before the court for trial, they should
10 nevertheless list in the section on “DISPUTED FACTUAL ISSUES” all issues asserted by any of
11 the parties and explain by parenthetical the controversy concerning each issue. The parties should
12 keep in mind that, in general, each fact should relate or correspond to an element of the relevant
13 cause of action.

14 The parties should also keep in mind that the purpose of listing the disputed factual issues
15 is to apprise the court and all parties about the precise issues that will be litigated at trial. The
16 court is not interested in a listing of all evidentiary facts underlying the issues that are in dispute.
17 However, with respect to the listing of undisputed facts, the court will accept agreements as to
18 evidentiary facts. If the case is tried to a jury, the undisputed facts will be read to the jury. The
19 parties’ joint statement shall also address the parties’ position on the number of jurors to be
20 impaneled to try the case.

21 The joint statement of undisputed facts and disputed factual issues is to be filed with the
22 court concurrently with the filing of plaintiffs’ Pretrial Statement. Concurrently with the filing of
23 the joint statement, the parties shall submit a copy as a word document, in its entirety (including
24 the witness and exhibit lists discussed below) to: dborders@caed.uscourts.gov.

25 Pursuant to Local Rule 281(b)(10) and (11), the parties are required to provide in their
26 Pretrial Statements a list of witnesses and exhibits that they propose to proffer at trial, no matter
27 for what purpose. These lists shall not be contained in the Pretrial Statement itself, but shall be
28 attached as separate documents to be used as addenda to the Final Pretrial Order. Plaintiff’s

1 exhibits shall be listed numerically; defendants' exhibits shall be listed alphabetically. In the
2 event that the alphabet is exhausted, the exhibits shall be marked "AA-ZZ". However, if the
3 amount of defendants' exhibits exceeds "ZZ" exhibits shall be then listed as AAA, BBB, CCC,
4 etc. Each page within a multi-page exhibit shall be numbered. (For example, Exhibit A-1, A-2,
5 A-3).

6 In the event that plaintiff and defendants offer the same exhibit during trial, that exhibit
7 shall be referred to by the designation the exhibit was first identified by the moving party. The
8 court cautions the parties to pay attention to this detail so that all concerned, including the jury,
9 will not be confused by one exhibit being identified with both a number and a letter.

10 The Pretrial Order will contain a stringent standard for the proffering of witnesses and
11 exhibits at trial not listed in the Pretrial Order. Counsel are cautioned that the standard will be
12 strictly applied. On the other hand, the listing of exhibits or witnesses which counsel do not
13 intend to call or use will be viewed as an abuse of the court's processes.

14 The parties are also reminded that, pursuant to Fed. R. Civ. P. 16, it will be their duty at
15 the Pretrial Conference to aid the court in (a) formulation and simplification of issues and the
16 elimination of frivolous claims or defenses; (b) settling of facts which should be properly
17 admitted; and (c) the avoidance of unnecessary proof and cumulative evidence. The parties must
18 prepare their Pretrial Statements, and participate in good faith at the Pretrial Conference, with
19 these aims in mind. A FAILURE TO DO SO MAY RESULT IN THE IMPOSITION OF
20 SANCTIONS which may include monetary sanctions, orders precluding proof, eliminations of
21 claims or defenses, or such other sanctions as the court deems appropriate.

22 **TRIAL SETTING**

23 A jury trial is set for **May 9, 2022, at 9:00 a.m.** in courtroom no. 27 before the
24 undersigned. Trial is estimated to last 5 court days.

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SETTLEMENT CONFERENCE

The parties are advised that a Settlement Conference may be scheduled when the Final Pretrial Conference is held.² The court may require that all parties proceeding pro se be present at the Settlement Conference. Such a settlement conference may be set before the undersigned, if both parties request that the undersigned participate in the conference and will waive any claim of disqualification on that basis. The parties may also request a settlement conference before another magistrate judge. See Local Rule 270(b).

MISCELLANEOUS PROVISIONS

There appear to be no other matters presently pending before the court that will aid the just and expeditious disposition of this matter.

Pursuant to Fed. R. Civ. P. 16(b), THE COURT SUMMARIZES THE SCHEDULING ORDER AS FOLLOWS:

- 1. Initial disclosures shall be made within 28 days of the date of this order.
- 2. Plaintiff shall disclose experts no later than **May 28, 2021**.
- 3. Defendants shall disclose experts no later than **June 11, 2021**.
- 4. Rebuttal experts shall be disclosed no later than **June 25, 2021**.
- 5. Discovery shall be completed by **October 29, 2021**.
- 6. All pretrial motions, except motions to compel discovery, shall be completed by **December 17, 2021**.
- 7. Final pretrial conference is set for **March 11, 2022 at 1:30 p.m.** in courtroom no. 27 before the undersigned.

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² At any time prior to the Final Pretrial Conference, an early settlement conference may be set before the undersigned, or another magistrate judge who is randomly selected, if all parties agree to request an early settlement conference. Either party may initiate such a request by calling Pete Buzo, courtroom deputy to the undersigned, at (916) 930-4128. Information will be provided regarding the procedure to follow.

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8. This matter is set for a jury trial on **May 9, 2022** at **9:00 a.m.** in courtroom no. 27
before the undersigned.

Dated: November 15, 2020



DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

DLB:6
DB/orders/orders.consent/drevdah10859.sched.ord