

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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R.H., a minor, by and through
her guardian ad litem, Sheila
Brown; ESTATE OF ERIC JAY
HAMES, by and through its
personal representative,
Crystal Dunlap-Bennett,

Plaintiffs,

v.

CITY OF REDDING, a public
entity; JOE ROSSI, an
individual; KIP KINNEAVY, an
individual; JAY GUTERDING, an
individual; and DOES 5-20,
inclusive,

Defendants.

NO. 2:20-cv-01435 WBS DMC

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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 23, 2020, and makes the following findings
and orders without needing to consult with the parties any

1 further.

2 I. SERVICE OF PROCESS

3 All defendants have been served, and no further service
4 is permitted without leave of court, good cause having been shown
5 under Federal Rule of Civil Procedure 16(b).

6 II. JOINDER OF PARTIES/AMENDMENTS

7 No further joinder of parties or amendments to
8 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 III. JURISDICTION/VENUE

13 Jurisdiction is predicated upon federal question, 28
14 U.S.C. § 1331, because plaintiffs assert claims arising under
15 laws of the United States, 42 U.S.C. § 1983, and the Fourth and
16 Fourteenth Amendments of the United States Constitution. Venue
17 is undisputed and hereby found to be proper.

18 IV. DISCOVERY

19 The parties agree to serve the initial disclosures
20 required by Federal Rule of Civil Procedure 26(a)(1) on or before
21 December 7, 2020.

22 The parties shall disclose experts and produce reports
23 in accordance with Federal Rule of Civil Procedure 26(a)(2) by no
24 later than July 30, 2021. With regard to expert testimony
25 intended solely for rebuttal, those experts shall be disclosed
26 and reports produced in accordance with Federal Rule of Civil
27 Procedure 26(a)(2) on or before August 27, 2021.

28 All discovery, including depositions for preservation

1 of testimony, is left open, save and except that it shall be so
2 conducted as to be completed by September 24, 2021. The word
3 "completed" means that all discovery shall have been conducted so
4 that all depositions have been taken and any disputes relevant to
5 discovery shall have been resolved by appropriate order if
6 necessary and, where discovery has been ordered, the order has
7 been obeyed. All motions to compel discovery must be noticed on
8 the magistrate judge's calendar in accordance with the local
9 rules of this court and so that such motions may be heard (and
10 any resulting orders obeyed) not later than September 24, 2021.

11 V. MOTION HEARING SCHEDULE

12 All motions, except motions for continuances, temporary
13 restraining orders, or other emergency applications, shall be
14 filed on or before November 5, 2021. All motions shall be
15 noticed for the next available hearing date. Counsel are
16 cautioned to refer to the local rules regarding the requirements
17 for noticing and opposing such motions on the court's regularly
18 scheduled law and motion calendar.

19 VI. FINAL PRETRIAL CONFERENCE

20 The Final Pretrial Conference is set for January 18,
21 2022, at 1:30 p.m. in Courtroom No. 5. The conference shall be
22 attended by at least one of the attorneys who will conduct the
23 trial for each of the parties and by any unrepresented parties.

24 Counsel for all parties are to be fully prepared for
25 trial at the time of the Pretrial Conference, with no matters
26 remaining to be accomplished except production of witnesses for
27 oral testimony. Counsel shall file separate pretrial statements,
28 and are referred to Local Rules 281 and 282 relating to the

1 contents of and time for filing those statements. In addition to
2 those subjects listed in Local Rule 281(b), the parties are to
3 provide the court with: (1) a plain, concise statement which
4 identifies every non-discovery motion which has been made to the
5 court, and its resolution; (2) a list of the remaining claims as
6 against each defendant; and (3) the estimated number of trial
7 days.

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

15 VII. TRIAL SETTING

16 The jury trial is set for March 15, 2022 at 9:00 a.m.
17 The parties estimate that the trial will last 5-7 days.

18 VIII. SETTLEMENT CONFERENCE

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

23 Counsel are instructed to have a principal with full
24 settlement authority present at the Settlement Conference or to
25 be fully authorized to settle the matter on any terms. At least
26 seven calendar days before the Settlement Conference counsel for
27 each party shall submit a confidential Settlement Conference
28 Statement for review by the settlement judge. If the settlement


1 judge is not the trial judge, the Settlement Conference
2 Statements shall not be filed and will not otherwise be disclosed
3 to the trial judge.

4 IX. MODIFICATIONS TO SCHEDULING ORDER

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

10 IT IS SO ORDERED.

11 Dated: November 16, 2020


12 WILLIAM B. SHUBB
13 UNITED STATES DISTRICT JUDGE
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