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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

VANESSA MILLER, et al.,
Plaintiffs,
v.
FORD MOTOR COMPANY,
Defendant.

No. 2:20-cv-01796-DAD-CKD

SCHEDULING ORDER

Pursuant to Rule 16(b) of the Federal Rules of Civil Procedure, the court has reviewed the parties’ joint status report (Doc. No. 104) and has determined that the court need not “consult[] with the parties’ attorneys and any unrepresented parties at a scheduling conference,” before issuing a scheduling order in this case. Fed. R. Civ. P. 16(b)(1)(B). Accordingly, the court hereby issues this scheduling order.

I. SERVICE OF PROCESS

The named defendant has been served as required by Federal Rule of Civil Procedure 5. No further service is permitted without leave of court, good cause having been shown under Federal Rule of Civil Procedure 16(b).

II. JOINER OF ADDITIONAL PARTIES / AMENDMENT OF PLEADINGS

The parties do not anticipate the joinder of additional parties or amendment of the pleadings.

1 No further joinder of parties or amendments to pleadings is permitted without leave of
2 court, good cause having been shown. *See* Fed. R. Civ. P. 16(b); *Johnson v. Mammoth*
3 *Recreations, Inc.*, 975 F.2d 27 604 (9th Cir. 1992). The parties are advised that the filing of
4 motions and/or stipulations requesting leave to amend the pleadings does not imply good cause to
5 modify the existing schedule. Fed. R. Civ. P. 16 (b)(4); *see also Johnson*, 975 F. 2d at 609.
6 Moreover, any amendment requested under Federal Rule of Civil Procedure 15(a) must not be:
7 (1) prejudicial to the opposing party; (2) the product of undue delay; (3) proposed in bad faith; or
8 (4) futile. *See Foman v. Davis*, 371 U.S. 178, 182 (1962).

9 III. DISCOVERY PROCEDURES

10 Discovery matters that do not implicate the schedule of the case or that do not relate to
11 sealing or redaction of documents related to dispositive motions are referred to the assigned
12 United States Magistrate Judge, who will hear all discovery disputes subject to his or her
13 procedures. (The assigned magistrate judge's initials follow the district judge's initials next to the
14 case number.) All discovery documents must include the words "DISCOVERY MATTER" in
15 the caption to ensure proper routing. Do not direct delivery of courtesy copies of these
16 documents to the district judge. Counsel are directed to contact the magistrate judge's courtroom
17 deputy clerk to schedule discovery matters for hearing.

18 All motions to compel discovery must be noticed on the assigned magistrate judge's
19 calendar in accordance with the local rules of this court and the magistrate judge's own
20 procedures. The written ruling of the assigned magistrate judge shall be final, subject to
21 modification by the district court only where it has been shown that the magistrate judge's order
22 is clearly erroneous or contrary to law. *See* 28 U.S.C. § 636(b)(1)(A). Pursuant to Local Rule
23 303, any party may file and serve a "Request for Reconsideration by the District Court of
24 Magistrate Judge's Ruling." *See* L.R. 303(c). The requesting party must file and serve any such
25 request within fourteen (14) days of service of a written ruling. L.R. 303(b). The request must
26 specify which portions of the ruling are clearly erroneous or contrary to law and the basis for that
27 contention with supporting points and authorities. L.R. 303(c).

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1 In addition, the assigned magistrate judge reviews proposed discovery phase protective
2 orders sought by the parties pursuant to Local Rule 141.1. However, requests to seal or redact in
3 connection with dispositive motions or trial are decided by Judge Drozd and any such requests
4 must comply with Judge Drozd’s Standing Order and Local Rules 140 and 141.

5 **IV. DISCOVERY DEADLINES**

6 **A. Rule 26(a) Initial Disclosures**

7 The parties have already made initial disclosures pursuant to Federal Rule of Civil
8 Procedure Rule 26(a)(1). (Doc. No. 104 at 2.)

9 Any parties served or joined after the issuance of this scheduling order shall “make the
10 initial disclosures within 30 days after being served or joined,” as provided by Rule 26(a)(1)(D).

11 **B. Fact Discovery**

12 All fact discovery shall be completed¹ no later than **April 4, 2025**.²

13 The parties propose several limitations or changes to the governing provisions of the
14 Federal Rules of Civil Procedure.

15 First, defendant proposes that the number of requests for admission be “limited to 25,
16 including all parts and subparts, to each party.” (Doc. No. 104 at 14.) Rule 36 of the Federal
17 Rules of Civil Procedure, which governs requests for admission, does not impose a limitation on
18 the number of requests for admission that a party may serve on another party. Plaintiffs oppose
19 defendant’s proposal to limit the number of requests for admission as unnecessary and premature,
20 noting in particular that plaintiffs have not served any requests for admission to date, despite the

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22 ¹ As used herein, the word “completed” means that all discovery shall have been conducted so
23 that all depositions have been taken and any disputes relevant to discovery shall have been
24 resolved by appropriate order if necessary and, where discovery has been ordered, the order has
25 been obeyed. The parties are advised that motions to compel must be filed in advance of the
discovery completion deadlines so that the court may grant effective relief within the allotted
discovery time. A party’s failure to have a discovery dispute heard sufficiently in advance of the
discovery cutoff may result in denial of the motion as untimely.

26 ² The court declines to adopt plaintiffs’ proposal to set a separate “deadline for substantial
27 completion of document production.” (See Doc. No. 104 at 3.) Plaintiffs are reminded that they
28 may file motions to compel discovery, noticed before the assigned magistrate judge, to the extent
they believe defendant is not complying with its discovery obligations.

1 fact that the parties have already engaged in substantial discovery. (*Id.* at 9.) Having considered
2 the parties’ respective positions, the court does not find it appropriate at this time to limit the
3 number of requests for admission that the parties may serve.

4 Second, defendant proposes that the number of requests for production (served after the
5 issuance of the scheduling order) be limited to 40 requests, including all parts and subparts, to
6 each party. (*Id.* at 14.) Rule 34 of the Federal Rules of Civil Procedure, which governs requests
7 for production of documents, does not impose a limitation on the number of requests for
8 production that a party may serve on another party. Plaintiffs oppose defendant’s proposal in this
9 regard as premature and arbitrary, and contend that there is no reason to deviate from Rule 34,
10 “especially in litigation of this size and complexity.” (*Id.* at 9.) Having considered the parties’
11 respective positions, the court does not find it appropriate at this time to limit the number of
12 requests for production of documents that the parties may serve.

13 Third, with regard to depositions, defendant proposes that plaintiffs be limited to six
14 depositions total (five employees of defendant, and one corporate representative of defendant),
15 that defendant be permitted to depose each of the 28 named plaintiffs in addition to other
16 individuals involved in the purchase of their vehicles and regular drivers of those vehicles, and
17 that both sides are limited to ten depositions of third-party witnesses. (*Id.* at 14–16.) Defendant
18 also proposes several restrictions regarding the deposition notice, topics, documents to be
19 discussed, objections, motions to compel, etc., none of which are supported by citations to legal
20 authority, nor does the court find such limitations to be appropriate at this time. (*Id.* at 14–16.)
21 Plaintiffs oppose defendant’s proposed limitations on depositions, though plaintiffs propose
22 limiting each side to 28 fact witness depositions. (*Id.* at 11–12.) The court finds plaintiffs’
23 proposal to likewise be untenable, given that there are 28 named plaintiffs that defendant seeks to
24 depose. Having considered the parties’ respective arguments, and recognizing that the default
25 limit of 10 depositions imposed by Rule 30 of the Federal Rules of Civil Procedure would be
26 insufficient in this case, the court will instead impose the following limitations:

- 27 • Defendant shall be limited to 20 depositions, not including the 28 depositions of
28 the named plaintiffs.

- 1 • Plaintiffs shall be limited to 20 depositions, not including depositions of persons
2 designated by defendant under Rule 30(b)(6), which will not be limited at this
3 time.

4 The court’s determinations with regard to the parties’ respective proposed discovery
5 limitations shall not be construed as precluding the parties from seeking entry of a protective
6 order or otherwise seeking appropriate relief in a discovery motion noticed before the assigned
7 magistrate judge.

8 **C. Expert Discovery**

9 Disclosures of expert witnesses, if any, must be made pursuant to Federal Rule of Civil
10 Procedure 26(a)(2)(A), (B) and (C), and shall include all information required thereunder. Each
11 expert witness must be fully prepared to be examined on all subjects and opinions included in the
12 disclosures. Failure to comply with these requirements may result in the imposition of
13 appropriate sanctions, including the preclusion of the expert’s testimony, or of other evidence
14 offered through the expert.

15 The parties shall disclose initial experts and produce reports in accordance with Federal
16 Rule of Civil Procedure 26(a)(2) by no later than **May 5, 2025**. With regard to expert testimony
17 intended solely for rebuttal, those experts shall be disclosed and reports produced in accordance
18 with Federal Rule of Civil Procedure 26(a)(2) on or before **June 4, 2025**.

19 All expert discovery shall be completed no later than **July 18, 2025**.

20 **V. MOTIONS**

21 Plaintiffs shall file a motion for class certification by no later than **August 29, 2025**.³

22 All other motions, except motions for continuances, temporary restraining orders, or other
23 emergency applications, shall be filed on or before **December 12, 2025** and shall be noticed for

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25 ³ The court notes that plaintiffs proposed a filing deadline for their motion for class certification
26 in February 2025. (See Doc. No. 104 at 5.) To be clear, plaintiffs need not wait until the filing
27 deadline of August 29, 2025 to file their motion for class certification. Further, to the extent the
28 parties wish to stipulate to a briefing schedule that provides more time than the default deadlines
provided by the Local Rules, the parties shall file a stipulation to that effect in connection with
the motion. The court declines to set filing deadlines for opposition and reply brief in this
scheduling order.

1 hearing before Judge Drozd on a date not more than 60 days from the date the motion is filed and
2 on a date that is consistent with Judge Drozd’s Standing Order.⁴ Counsel are directed to refer to
3 the local rules regarding the requirements for noticing and opposing such motions on the court’s
4 regularly scheduled law and motion calendar.

5 Prior to filing a motion for summary judgment or motion for partial summary judgment
6 (summary adjudication), the parties are ordered to meet and confer, in person or by telephone, to
7 discuss the issues to be raised in the motion. **In addition to complying with the requirements**
8 **of Local Rule 260, the parties must prepare a Joint Statement of Undisputed Facts, which**
9 **identifies all relevant facts subject to agreement by all parties.** The moving party is
10 responsible for filing the joint statement concurrently with the motion. In the notice of motion,
11 the moving party shall certify that the parties have met and conferred as ordered above or provide
12 a statement of good cause for the failure to do so.

13 **VI. SETTLEMENT CONFERENCE**

14 The undersigned requires parties to participate in a court-supervised settlement conference
15 with a settlement judge before the action may proceed to trial. A settlement conference has not
16 been set at this time. At any time before the final pretrial conference, the parties may file a joint
17 request that this action be referred to a settlement judge for the setting of a settlement conference.
18 If the parties have not participated in a court-supervised settlement conference by the time of the
19 final pretrial conference, the court will refer the action at that time to the assigned magistrate
20 judge for the setting of a settlement conference. The parties shall contact the designated
21 settlement conference judge’s chambers to ascertain that judge’s settlement conference
22

23 ⁴ In the parties’ joint scheduling report, the parties express competing views with regard to the
24 deadline for filing certain motions, namely “whether class certification should be resolved before
25 summary judgment and *Daubert* motions.” (See Doc. No. 104 at 3–7.) The court declines
26 plaintiffs’ proposal to preclude the filing of motions for summary judgment until the court
27 resolves plaintiffs’ motion for class certification. The court also declines defendant’s proposal to
28 set separate filing deadlines for: (i) “motions for summary judgment as to named plaintiff
specific issues,” and (ii) motions for summary judgment as to the class. (*Id.* at 5–7.) In selecting
the dates and filing deadlines set in this scheduling order, the court has considered the parties’
respective arguments and has provided ample time for the parties to prepare and timely file their
anticipated motions in an efficient manner.

1 procedures, including the procedure for submitting confidential settlement statements, which shall
2 not be filed and will not otherwise be disclosed to the trial judge.

3 Unless otherwise permitted in advance by the court, the attorneys who will try the case
4 shall appear at the settlement conference. Pertinent evidence to be offered at trial, documents or
5 otherwise, should be brought to the settlement conference for presentation to the settlement judge.
6 Of course, neither the settlement conference statements nor communications during the settlement
7 conference with the settlement judge can be used by either party in the trial of this case.

8 Absent permission from the court, in addition to counsel who will try the case being
9 present, the individual parties shall also be present, and in the case of corporate parties,
10 associations or other entities, and insurance carriers, a representative executive with unrestricted
11 authority to discuss, consider, propose and agree, or disagree, to any settlement proposal or offer
12 shall also be present. If for any reason the representative with unlimited authority cannot attend,
13 such a person must be available by phone or video throughout the conference. In other words,
14 having settlement authority “up to a certain amount” is not acceptable.

15 VII. FINAL PRETRIAL CONFERENCE

16 The final pretrial conference is set for **April 14, 2026 at 1:30 p.m.** before District Court
17 Judge Dale A. Drozd by Zoom. Parties will receive a Zoom ID number and password for the
18 final pretrial conference by email from Judge Drozd’s Courtroom Deputy Pete Buzo
19 (PBuzo@caed.uscourts.gov). Any other interested parties or members of the public may access
20 the conference telephonically by dialing 888-557-8511 and using access code 9683466, at the
21 time of the conference. Because several matters may be set for the same afternoon, the parties
22 will be notified in advance of the conference at what specific time the court anticipates calling
23 their case so they can join the Zoom at that time.

24 The parties are directed to file a joint pretrial statement, carefully prepared and executed
25 by all counsel, that complies with the requirements of this Local Rule 281 and Judge Drozd’s
26 Standing Order. Counsel shall also email a copy of the joint pretrial statement in Word format to
27 Judge Drozd’s chambers at dadorders@caed.uscourts.gov.

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1 The parties' attention is directed to Local Rules 281 and 282. This court will insist upon
2 strict compliance with these rules. At the pretrial conference, the court will set deadlines to file
3 trial documents, including motions *in limine*, trial briefs, and proposed jury *voir dire*, instructions,
4 and verdict forms (where applicable).

5 **VIII. JURY TRIAL**

6 A jury trial is set for **June 15, 2026 at 9:00 a.m.** in Courtroom 4 before District Court
7 Judge Dale A. Drozd. Trial is anticipated to last 20–40 court days.

8 **IX. REQUEST FOR BIFURCATION, APPOINTMENT OF SPECIAL MASTER, OR**
9 **OTHER TECHNIQUES TO SHORTEN TRIAL**

10 The parties have not made any such requests at this time and do not anticipate any such
11 requests.

12 **X. RELATED MATTERS PENDING**

13 There is no related litigation.

14 **XI. OBJECTIONS AND MODIFICATIONS TO THE SCHEDULING ORDER**

15 **This case schedule will become final without further order of the court unless**
16 **objections are filed within fourteen (14) days of the entry of this order.** The schedule, once
17 final, shall not be modified except by leave of court upon showing of good cause. The assigned
18 magistrate judge is authorized to modify only the discovery dates to the extent any such
19 modification does not impact the balance of the schedule of the case.

20 The parties are reminded that pursuant to Rule 16(b) of the Federal Rules of Civil
21 Procedure, no stipulations extending scheduling requirements or modifying applicable rules are
22 effective until and unless the court approves them. Agreement of the parties by stipulation alone
23 does not constitute good cause. Any request or stipulation to modify this scheduling order must
24 set forth:

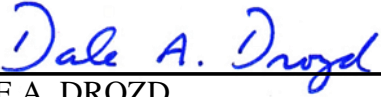
- 25 (1) the existing due date or hearing date as well as the discovery cutoff date, the last
26 date for hearing motions, the final pretrial conference date, and the trial date;
- 27 (2) whether there have been prior requests for extensions, and whether these were
28 granted or denied by the court; and

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(3) specific, concrete reasons supporting good cause for granting of the extension. For example, if the reason for the requested extension is that it “will promote settlement,” the requesting party or parties must indicate the status of ongoing negotiations, i.e., have written proposals been exchanged; is counsel in the process of reviewing a draft settlement agreement; has a mediator been selected.

IT IS SO ORDERED.

Dated: May 7, 2024



DALE A. DROZD
UNITED STATES DISTRICT JUDGE