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United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KENYARD EDWARDS,
Plaintiff,
v.
OPORTUN, INC.,
Defendant.

Case No. 16-cv-00519-EDL

CASE MANAGEMENT ORDER

Following the Case Management Conference held on June 7, 2016, IT IS HEREBY ORDERED THAT pursuant to Fed. R. Civ. P. 16, the following case management and pretrial order is entered:

1. DISCOVERY

a. All pre-certification fact discovery shall be completed no later than March 30, 2017. There will be no further pre-certification fact discovery after that date except by order of the Court for good cause shown. Motions to compel pre-certification fact discovery must be filed within the time limits contained in Civil Local Rule 26-2.

b. The plaintiff must file and serve any pre-certification expert reports no later than April 7, 2017. Defendant must file and serve any pre-certification expert reports no later than May 8, 2017. Pre-certification rebuttal expert reports shall be filed and served no later than June 8, 2017.

c. All post-certification fact discovery shall be completed no later than October 30, 2017. There will be no further post-certification fact discovery after that date except by order of the Court for good cause shown. Motions to compel non-expert discovery must be filed within the time limits contained in Civil Local Rule 26-2.

d. Initial post-certification expert disclosures shall be made no later than

1 August 10, 2017. Post-certification rebuttal expert disclosures shall be made no later than August
2 24, 2017. All treating physicians who will provide opinion testimony beyond that which can be
3 provided by a lay person must be disclosed as expert witnesses, but they need not prepare expert
4 reports unless ordered to do so by the Court.

5 e. All post-certification expert discovery shall be completed no later than
6 January 30, 2018. There will be no further expert discovery after that date except by order of the
7 Court for good cause shown. Motions to compel expert discovery must be filed within the time
8 limits contained in Civil Local Rule 26-2.

9 f. Rule 26(e)(1) of the Federal Rules of Civil Procedure requires all parties to
10 supplement or correct their initial disclosures, expert disclosures, pretrial disclosures, and
11 responses to discovery requests under the circumstances itemized in that Rule, and when ordered
12 by the Court. The Court expects that the parties will supplement and/or correct their disclosures
13 promptly when required under that Rule, without the need for a request from opposing counsel.
14 **In addition to the general requirements of Rule 26(e)(1), the parties will supplement and/or**
15 **correct all previously made disclosures and discovery responses 28 days before the fact**
16 **discovery cutoff date.**

17 g. Pursuant to Civil L.R. 37-1(b), telephone conferences are available to
18 resolve disputes during a discovery event, such as a deposition, where the resolution during the
19 event likely would result in substantial savings of expense or time.

20 h. **Privilege logs.** If a party withholds information that is responsive to a
21 discovery request, and is otherwise discoverable under the Federal Rules of Civil Procedure, by
22 claiming that it is privileged, or protected from discovery under the attorney work product doctrine
23 or any other protective doctrine (including, but not limited to, privacy rights), that party shall
24 prepare a "privilege log" (Fed. R. Civ. P. 26(b)(5)) setting forth the privilege relied upon and
25 specifying separately for each document or for each category of similarly situated documents:

1. The name and job title or capacity of the author;

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2. The name and job title or capacity of each recipient;
3. The date the document was prepared and, if different, the date(s) on which it was sent to or shared with persons other than its author(s);
4. The title and description of the document;
5. The subject matter addressed in the document;
6. The purpose(s) for which it was prepared or communicated; and
7. The specific basis for the claim that it is privileged.

The privilege log will be produced as quickly as possible, but no later than 14 days after the discovery responses are due (in a rolling production, 14 days after each set of documents is produced), unless the parties stipulate or the Court orders otherwise in a particular case.

i. In responding to requests for documents and materials under Rule 34 of the Federal Rules of Civil Procedure, all parties shall affirmatively state in a written response served on all other parties the full extent to which they will produce materials and shall, promptly after the production, confirm in writing that they have produced all such materials so described that are locatable after a diligent search of all locations at which such materials might plausibly exist.

2. MOTIONS

The last day to file a motion, or stipulation and proposed order, to join other parties shall be July 7, 2016.

The last day to file a motion, or stipulation and proposed order, to amend the pleadings shall be July 7, 2016.

The last day for hearing class certification motions shall be July 11, 2017. Class certification motions shall be served and filed no later than April 7, 2017.

The last day for hearing dispositive motions shall be December 12, 2017. Dispositive motions shall be served and filed no later than thirty-five (35) days prior to the scheduled hearing date. Briefing shall be in compliance with Civil Local Rule 7-3.

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3. ALTERNATIVE DISPUTE RESOLUTION/SETTLEMENT CONFERENCE

The parties are referred to a randomly assigned magistrate judge for the purpose of engaging in a settlement conference, to take place within 90 days.

4. All documents filed with the Clerk of the Court shall list the civil case number followed by the initials "EDL." One copy shall be clearly marked as a **chambers** copy. Chambers copies shall be three-hole punched at the left side, suitable for insertion into standard binders. In addition, all proposed jury instructions, motions in limine, forms of verdict and trial briefs shall be accompanied by a CD or USB flash drive containing a copy of the document in Microsoft Word format (*.docx).

IT IS SO ORDERED.

Dated: June 14, 2016


ELIZABETH D. LAPORTE
UNITED STATES MAGISTRATE JUDGE