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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

IN RE NATIONAL WESTERN LIFE)	Civil No. 05-CV-1018-AJB(WVG)
INSURANCE DEFERRED ANNUITIES)	
LITIGATION)	FIFTH AMENDED CASE
)	MANAGEMENT CONFERENCE ORDER
)	REGULATING DISCOVERY AND
)	OTHER PRETRIAL PROCEEDINGS
)	(Fed. R. Civ. P. 16)
)	(Local Rule 16.1)
)	(Fed. R. Civ. P. 26)

The parties have jointly moved the Court for an extension of the fact discovery deadline. (Doc. No. 277.) For good cause shown, the joint motion is GRANTED, and the Court amends its April 13, 2010, scheduling order as follows:

1. Any party, through any expert designated, shall in accordance with Fed. R. Civ. P. 26(a)(2)(C) and Fed. R. Civ. P. 26(e), supplement any of its expert reports regarding evidence intended solely to contradict or rebut evidence on the same subject matter identified in an expert report submitted by another party. Any such supplemental reports are due on or before June 9, 2011.
2. All discovery, excluding expert discovery, shall be completed on or before June 17, 2011. Expert discovery shall be completed on or before July 7, 2011. "Completed" means that all discovery under Rules 30-36 of the Federal Rules of Civil Procedure must be initiated a sufficient period of time in advance of the cut-off date, so that it may be completed by the cut-off date, taking into account the times for services, notice, and response as set forth in the Federal Rules of Civil Procedure. All disputes

1 concerning discovery shall be brought to the attention of the Magistrate Judge no later than thirty (30)
2 days following the date upon which the event giving rise to the discovery dispute occurred. Counsel
3 shall meet and confer pursuant to the requirements of Fed. R. Civ. P. 26 and Local Rule 26.1(a).

4 3. All motions, other than motions to amend or join parties, or motions in limine, **SHALL BE**
5 **FILED** on or before August 29, 2011.^{1/} Motions will not be heard or calendared unless counsel for the
6 moving party has obtained a motion hearing date from the law clerk of the judge who will hear the
7 motion. **Be advised that the parties must file their moving papers within three (3) days of**
8 **receiving the motion hearing date from the Court. Be further advised that the period of time**
9 **between the date you request a motion date and the hearing date may be up to six weeks. Please**
10 **plan accordingly.** For example, you may need to contact the judge's law clerk at least six weeks in
11 advance of the motion cut-off to calendar the motion. Failure of counsel to timely request a motion date
12 may result in the motion not being heard. **Motions will not be heard on the above date unless you**
13 **have obtained that date in advance from the judge's law clerk.**

14 4. Briefs or memoranda in support of or in opposition to any pending motion shall not exceed
15 twenty-five (25) pages in length without permission of the judge or magistrate judge who will hear the
16 motion. No reply memorandum shall exceed ten (10) pages without leave of the judge or magistrate
17 judge who will hear the motion.

18 5. Parties or their counsel shall serve on each other and file with the Clerk of the Court their
19 Memoranda of Contentions of Fact and Law in compliance with Local Rule 16.1(f)(2) on or before
20 November 14, 2011.

21 6. All parties or their counsel shall also fully comply with the Pretrial Disclosure requirements of
22 Fed. R. Civ. P. 26(a)(3) on or before November 14, 2011. **Failure to comply with these disclosures**
23 **requirements could result in evidence preclusion or other sanctions under Fed. R. Civ. P. 37.**

24 7. Counsel shall meet together and take the action required by Local Rule 16.1(f)(4) on or before
25 November 21, 2011. At this meeting, counsel shall discuss and attempt to enter into stipulations and
26 agreements resulting in simplification of the triable issues. Counsel shall exchange copies and/or

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28 ^{1/} Counsel should note that while historically motion cut-off deadlines issued by this Court were
deadlines for motion hearings, the motion cut-off dates now being issued establish deadlines for the parties to file
motions.

1 display all exhibits other than those to be used for impeachment. The exhibits shall be prepared in
2 accordance with Local Rule 16.1(f)(4)(c). Counsel shall note any objections they have to any other
3 parties' Pretrial Disclosures under Fed. R. Civ. P. 26(a)(3). Counsel shall cooperate in the preparation
4 of the proposed pretrial conference order.

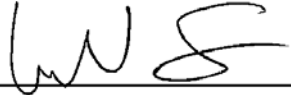
5 8. The proposed final pretrial conference order, including objections they have to any other parties'
6 Fed. R. Civ. P. 26(a)(3) Pretrial Disclosures shall be prepared, served and lodged with the Clerk of the
7 Court on or before December 2, 2011, and shall be in the form prescribed in and in compliance with
8 Local Rule 16.1 (f)(6). Counsel shall also bring a court copy of the pretrial order to the pretrial
9 conference.

10 9. The final pretrial conference shall be held before District Judge Battaglia on December 9, 2011,
11 at 1:30 p.m.

12 10. The dates and times set forth herein will not be further modified except for good cause shown.

13 IT IS SO ORDERED.

14 DATED: May 25, 2011

15
16 
17 Hon. William V. Gallo
U.S. Magistrate Judge