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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED BRANDS COMPANY, INC.,	)	Case No. 10-CV-2281 AJB (WMc)
	)	
Plaintiff,	)	<b>SCHEDULING ORDER</b>
	)	
v.	)	
	)	
ANHEUSER-BUSCH, INC.,	)	
	)	
Defendant.	)	

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Pursuant to Rule 16.1 (d) of the Local Rules, a Case Management Conference was held on February 10, 2012. After consulting with the attorneys of record for the parties and being advised of the status of the case, and good cause appearing, the Court issues the following Scheduling Order:

1. Any motion to join other parties, to amend the pleadings, or to file additional pleadings shall be *filed* on or before **March 12, 2012**.
2. The parties shall disclose the identity of their respective experts in writing by **June 15, 2012**. The date for the disclosure of the identity of rebuttal experts shall be on or before **June 29, 2012**. The written designations shall include the name, address and telephone number of the expert and a reasonable summary of the testimony the expert is expected to provide. The list shall also include the normal rates the expert charges for deposition and trial testimony. **The parties must identify any person who may be used at trial to present evidence pursuant to Fed. R. Evid. 702, 703 and 705, respectively. This requirement is not limited to retained experts.**

1           3.       On or before *July 27, 2012*, each party shall comply with the disclosure  
2 provisions in Rule 26(a)(2)(B) of the Federal Rules of Civil Procedure. **This disclosure**  
3 **requirement applies to all persons retained or specifically employed to provide expert**  
4 **testimony or whose duties as an employee of the part regularly involve the giving of expert**  
5 **testimony.**

6           4.       Any party shall supplement its disclosure regarding contradictory or rebuttal  
7 evidence under Rule 26(a)(2)(c) on or before *August 13, 2012*.

8           5.       **Please be advised that failure to comply with this section or any other**  
9 **discovery order of the court may result in the sanctions provided for in Fed.R.Civ.P.37**  
10 **including a prohibition on the introduction of experts or other designated matters in**  
11 **evidence.**

12           6.       Judge McCurine does not bifurcate discovery. All discovery, including experts,  
13 shall be completed by all parties on or before *September 13, 2012*. "Completed" means that all  
14 discovery under Rules 30-36 of the Federal Rules of Civil Procedure, and discovery subpoenas  
15 under Rule 45, must be initiated a sufficient period of time in advance of the cut-off date, *so that*  
16 *it may be completed* by the cut-off date, taking into account the times for service, notice and  
17 response as set forth in the Federal Rules of Civil Procedure. Counsel must promptly and in good  
18 faith meet and confer with regard to all discovery disputes in compliance with Local Rule 26.1.a.  
19 All discovery motions must be filed within 30 days of the service of an objection, answer or  
20 response which becomes the subject of dispute or the passage of a discovery due date without  
21 response or production, and only after counsel have met and conferred and have reached impasse  
22 with regard to the particular issue. **A failure to comply in this regard will result in a waiver**  
23 **of a parties discovery issue. Absent an order of the court, no stipulation continuing or**  
24 **altering this requirement will be recognized by the court. In no event shall discovery**  
25 **motions be filed more than 30 days after the close of discovery.**

26           7.       A Mandatory Settlement Conference shall be conducted on *September 19, 2012*  
27 *at 9:30 a.m.* in the chambers of Magistrate Judge William McCurine, Jr. Counsel shall submit  
28 settlement briefs **directly** to chambers on or before *September 17, 2012*. The briefs shall set

1 forth the party's statement of the case and the party's settlement position, including the last offer  
2 or demand made by that party and a separate statement of the offer or demand the party is  
3 prepared to make at the Settlement Conference. Settlement Conference briefs shall not exceed  
4 ten (10) pages in length, and shall *not* include exhibits or attachments. All parties and claims  
5 adjusters for insured defendants and representatives with complete authority to enter into a  
6 binding settlement, as well as the principal attorney (s) responsible for the litigation, must be  
7 present and legally and factually prepared to discuss and resolve the case at the Mandatory  
8 Settlement Conference. **Any special arrangements desired in cases where settlement  
9 authority rests with a governing body shall be proposed in advance.**

10 8. All other dispositive pretrial motions must be filed on or before ***October 12, 2012***.  
11 Please be advised that counsel for the moving party must obtain a motion hearing date from the  
12 law clerk of the judge who will hear the motion. Motions in Limine are to be filed as directed in  
13 the Local Rules, or as otherwise set by Judge Battaglia.

14 9. This order replaces the requirements under CivLR 16.1(f)(6)c. No Memoranda of  
15 Law or Contentions of Fact are to be filed.

16 10. Counsel shall comply with the Pre-trial disclosure requirements of Federal Rule of  
17 Civil Procedure 26(a)(3) on or before ***January 25, 2013***.

18 11. The parties must meet and confer on or before ***February 1, 2013*** and prepare a  
19 proposed pretrial order containing the following:

20 (a.) A joint neutral statement to be read to the jury, not in excess of one page,  
21 of the nature of the case and the claims and defenses.

22 (b.) A list of the causes of action to be tried, referenced to the Complaint [and  
23 Counterclaim if applicable]. For each cause of action, the order shall succinctly list the elements  
24 of the claim, damages and any defenses. A cause of action in the Complaint [and/or  
25 Counterclaim] which is not listed shall be dismissed with prejudice.

26 (c.) A list, in alphabetical order, of each witness counsel actually expect to call  
27 at trial with a brief statement, not exceeding four sentences, of the substance of the witnesses'  
28 testimony.

1 (d.) A list, in alphabetical order, of each expert witness counsel actually expect  
2 to call at trial with a brief statement, not exceeding four sentences, of the substance of the expert  
3 witnesses' testimony.

4 (e.) A list, in alphabetical order, of additional witnesses, including experts,  
5 counsel do not expect to call at this time but reserve the right to call at trial along with a brief  
6 statement, not exceeding four sentences, of the substance of the witnesses' testimony.

7 (f.) A list of all exhibits that counsel actually expect to offer at trial with a  
8 one-sentence description of the exhibit.

9 (g.) A list of all other exhibits that counsel do not expect to offer at this time  
10 but reserve the right to offer if necessary at trial with a one-sentence description of the exhibit.

11 (h.) A statement of all facts to which the parties stipulate. This statement must  
12 be on a separate page and will be read to and provided to the jury.

13 (I.) A list of all deposition transcripts by page and line, or videotape  
14 depositions by section, that will be offered at trial.

15 12. In addition to filing proposed jury instructions in accordance with Fed. R. Civ. P.  
16 51 and CivLR 51.1, the parties must e-mail the proposed instructions in Word or Wordperfect  
17 form to Chambers. If a party disagrees with the wording of a particular instruction, the party  
18 must submit an alternate instruction.

19 13. The Court encourages the parties to consult with the assigned magistrate judge to  
20 work out any problems in preparation of the proposed pretrial order. Judge Battaglia will  
21 entertain any questions concerning the conduct of the trial at the pretrial conference.

22 14. Objections to Pre-trial disclosures shall be filed no later than **February 8, 2013**.

23 15. The Proposed Final Pretrial Conference Order required by Local Rule 16.1 (f) (6)  
24 shall be prepared, served, and lodged on or before **February 8, 2013**.

25 16. The final Pretrial Conference is scheduled on the calendar of **Judge Anthony J.**  
26 **Battaglia** on **February 15, 2013** at **1:30 p.m.**

27 17. A post trial settlement conference before a magistrate judge may be held within  
28 30 days of verdict in the case.

1 18. The dates and times set forth herein will not be modified except for good cause  
2 shown.

3 19. Dates and times for hearings on motions should be approved by the Court's clerk  
4 before notice of hearing is served.

5 20. Briefs or memoranda in support of or in opposition to any pending motion shall  
6 not exceed twenty-five (25) pages in length without leave of a district court judge. No reply  
7 memorandum shall exceed ten (10) pages without leave of a district court judge. Briefs and  
8 memoranda exceeding ten (10) pages in length shall have a table of contents and a table of  
9 authorities cited.

10 **IT IS SO ORDERED.**

11 DATED: February 14, 2012



A handwritten signature in cursive script, reading "W. McCurine, Jr.", is written over a horizontal line.

Hon. William McCurine, Jr.  
U.S. Magistrate Judge  
United States District Court