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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: *PM* DEPUTY

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

UNITED BRANDS COMPANY, INC.,
Plaintiff,
vs.
ANHEUSER-BUSCH, INC.,
Defendant.

CASE NO. 10cv2281-AJB(KSC)

**AMENDED SCHEDULING
ORDER REGULATING
DISCOVERY AND OTHER PRE-
TRIAL PROCEEDINGS**

[Doc. No. 57]

On April 5, 2012, the parties submitted an Unopposed Motion to Continue Scheduled Dates [Doc. No. 57] seeking to extend certain deadlines in their Scheduling Order, so they can participate in mediation on April 25, 2012. Pursuant to Rule 16.1(d) of the Local Rules, and good cause appearing, **IT IS HEREBY ORDERED:**

1. The parties shall designate their respective experts in writing by August 14, 2012. The parties must identify any person who may be used at trial to present evidence pursuant to Rules 702, 703 or 705 of the Fed. R. Evid. This requirement is not limited to retained experts. The date for exchange of rebuttal experts shall be on or before August 28, 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.

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1 2. On or before September 25, 2012, each party shall comply with the disclosure provisions
2 in Rule 26(a)(2)(A) and (B) of the Federal Rules of Civil Procedure. This disclosure requirement applies
3 to all persons retained or specially employed to provide expert testimony, or whose duties as an
4 employee of the party regularly involve the giving of expert testimony.

5 3. Any party shall supplement its disclosure regarding contradictory or rebuttal evidence
6 under Rule 26(a)(2)(c) on or before October 12, 2012.

7 4. All discovery, including experts, shall be completed by all parties on or before
8 November 12, 2012. "Completed" means that all discovery under Rules 30-36 of the Federal Rules of
9 Civil Procedure, and discovery subpoenas under Rule 45, must be initiated a sufficient period of time
10 in advance of the cut-off date, **so that it may be completed** by the cut-off date, taking into account the
11 times for service, notice and response as set forth in the Federal Rules of Civil Procedure. **Counsel shall**
12 **promptly and in good faith meet and confer with regard to all discovery disputes in compliance**
13 **with Local Rule 26.1(a)**. The Court expects counsel to make every effort to resolve all disputes without
14 court intervention through the meet and confer process. All discovery motions must be filed within 30
15 days of the service of an objection, answer, or response which become the subject of dispute, or the
16 passage of a discovery due date without response or production, and only after counsel have met and
17 conferred and have reached an impasse with regard to the particular issue. For oral discovery, the event
18 giving rise to the dispute is the completion of the transcript of the affected portion of the deposition. In
19 any case, the event giving rise to a discovery dispute is not the date on which counsel reach an impasse
20 in meet and confer efforts. If the discovery dispute concerns written discovery requests, the parties shall
21 submit a joint statement entitled, "Joint Motion for Determination of Discovery Dispute" with the Court.
22 (For further information on resolving discovery disputes, see Judge Crawford's "Chambers' Rules" which
23 are accessible via the court's website at www.casd.uscourts.gov.)

24 5. Please be advised that failure to comply with expert discovery deadlines or any other
25 discovery order of the court may result in the sanctions provided for in Federal Rule of Civil
26 Procedure 37, including a prohibition on the introduction of experts or other designated matters in
27 evidence.

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1 6. A Mandatory Settlement Conference shall be conducted on November 19, 2012 at 9:30
2 a.m. in the chambers of Magistrate Judge Karen S. Crawford. Counsel or any party representing himself
3 or herself shall submit confidential settlement briefs directly to chambers no later than November 12,
4 2012. **All parties are ordered to read and to fully comply with the settlement conference**
5 **procedures set forth in Judge Crawford's Chambers Rules** which are accessible via the Court's
6 website at www.casd.uscourts.gov.

7 7. All other pretrial motions, including those addressing *Daubert* issues, must be filed on
8 or before December 11, 2012. Counsel for the moving party must obtain a motion hearing date from
9 the law clerk of the District Judge who will hear the motion. The period of time between the date you
10 request a motion date and the hearing date may vary from one District Judge to another. Please plan
11 accordingly. Failure to make a timely request for a motion date may result in the motion not being heard.
12 Motions in limine are to be filed as directed in the Local Rules, or as otherwise set by Judge Battaglia.

13 8. On or before March 29, 2013, the parties shall meet and confer to comply with Local
14 Civil Rule 16.1(f)(4). However, no Memoranda of Law or Contentions of Fact are to be filed. This
15 Order replaces the requirements of Local Civil Rule 16.1(f)(6)(c), and counsel shall prepare a proposed
16 pretrial order containing the following:

17 a. A joint neutral statement to be read to the jury, not in excess of one page, of the
18 nature of the case and the claims and defenses.

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

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

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

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

4 f. A list of all exhibits that counsel actually expect to offer at trial with a
5 one-sentence description of the exhibit.

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

8 h. A statement of all facts to which the parties stipulate. This statement shall be on
9 a separate page and will be read and provided to the jury.

10 i. A list of all deposition transcripts by page and line number, and videotape
11 depositions by section, that will be offered at trial.

12 The Court encourages the parties to consult with the assigned Magistrate Judge to work out any
13 problems in preparation of the proposed pretrial order. Judge Battaglia will entertain any questions
14 concerning the conduct of the trial at the pretrial conference.

15 9. Counsel for plaintiff will be responsible for preparing the pretrial order and arranging the
16 meetings of counsel pursuant to Civil Local Rule 16.1(f). On or before April 5, 2013, plaintiff's counsel
17 must provide opposing counsel with the proposed pretrial order for review and approval. Opposing
18 counsel must communicate promptly with plaintiff's attorney concerning any objections to form or
19 content of the pretrial order, and both parties shall attempt promptly to resolve their differences, if any,
20 concerning the order.

21 10. The Proposed Final Pretrial Conference Order, including objections to any other parties'
22 Federal Rule 26(a)(3) Pretrial Disclosures shall be prepared, served and lodged with the assigned District
23 Judge on or before April 12, 2013, and shall be in the form prescribed in and comply with Local
24 Rule 16.1(f)(6).

25 11. The final Pretrial Conference is scheduled on the calendar of **Judge Battaglia** on
26 April 19, 2013 at 1:30 p.m.

27 12. A post trial settlement conference before a Magistrate Judge may be held within 30 days
28 of verdict in the case.

