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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JUMP SAN DIEGO,
Plaintiff,
v.
JANAY KRUGER, et al.,
Defendants.

Case No.: 14cv1533-CAB (BLM)

ORDER:
**(1) DENYING JOINT MOTION TO
CONTINUE EARLY NEUTRAL
EVALUATION CONFERENCE
[ECF No. 31]**

**(2) FINDING EARLY NEUTRAL
EVALUATION CONFERENCE
INAPPROPRIATE**

AND

**(3) RESETTING TELEPHONIC CASE
MANAGEMENT CONFERENCE**

On April 6, 2017, the parties filed a joint motion asking the Court to continue the Early Neutral Evaluation Conference ("ENE") set for May 8, 2017 and related deadlines. ECF No. 31. In support, the parties state that both attorneys representing Defendant Kruger will participate

1 in a civil trial in Orange County, which is scheduled to commence on May 1, 2017, and is
2 expected to last two weeks. Id. at 2; see also id. at 4, Declaration of Oliver B. Dreger (“Dreger
3 Decl.”). The parties state that the attorneys would not be able to participate in the ENE, and
4 ask the Court to continue the ENE and all related deadlines for three weeks. Id. at 2.

5 Due to defense counsel’s scheduling conflict, the Court finds it inappropriate to convene
6 an ENE at this time. See CivLR 16.1(c)(1) (explaining that “[t]he judicial officer will hold such
7 conferences as he or she deems appropriate”). Instead, the Court issues the following orders:

8 The Court will hold a telephonic, attorneys-only Case Management Conference on
9 **April 28, 2017** at **1:30 p.m.** In preparation for this conference, the parties must

10 a. Meet and confer pursuant to Fed. R. Civ. P. 26(f) no later than **April 17,**
11 **2017.**

12 b. File a Joint Discovery Plan on the CM/ECF system no later than **April 21,**
13 **2017.** Agreements made in the Joint Discovery Plan will be treated as binding stipulations that
14 are effectively incorporated into the Court’s Case Management Order. The Joint Discovery Plan
15 must be one document and must address each item identified in Fed. R. Civ. P. 26(f)(3). In
16 addition, the discovery plan must include:

17 i. **Service:** A statement as to whether any parties remain to be served
18 and, if so, a proposed deadline for service;

19 ii. **Amendment of Pleadings:** The extent to which parties, claims, or
20 defenses are expected to be added or dismissed and a proposed deadline for amending the
21 pleadings;

22 iii. **Protective Order:** Whether a protective order is contemplated to
23 cover the exchange of confidential information and, if so, the date by which the proposed order

1 will be submitted to the Court;

2 iv. **Privilege**: The procedure the parties plan to use regarding claims
3 of privilege and whether an order pursuant to Fed. R. Evid. 502 will be sought;

4 v. **Evidence Preservation**: Whether the parties have discussed issues
5 related to the preservation of relevant evidence and if there are areas of disagreement, how the
6 parties are resolving them;

7 vi. **Electronic Discovery**: In addition to the requirements set forth in
8 Fed. R. Civ. P. 26(f)(3)(C), the parties must describe their agreements regarding methodologies
9 for locating and producing electronically stored information and the production of metadata, and
10 must identify any issues or agreements regarding electronically stored information that may not
11 be reasonably accessible (see Fed. R. Civ. P. 26(b)(2)(B));

12 vii. **Discovery**: In addition to the requirements of Fed. R. Civ. P.
13 26(f)(3)(B), the parties must describe the discovery taken to date (if any), any proposed
14 limitations or modifications of the discovery rules, and any identified discovery disputes;

15 viii. **Related Cases**: Any related cases or proceedings pending before
16 another judge of this court, or before another court or administrative body;

17 ix. **Scheduling**: Proposed dates for fact discovery cutoff, expert
18 designations and disclosures, expert discovery cutoff, filing of dispositive motions, filing class
19 certification motion (if class is alleged), pretrial conference and trial;

20 x. **Professional Conduct**: Whether all attorneys of record for the
21 parties have reviewed Civil Local Rule 83.4 on Professionalism; and

22 xi. **Miscellaneous**: Such other matters as may facilitate the just,
23 speedy and inexpensive disposition of this matter.

1 c. The parties' deadline to exchange initial disclosures pursuant to Rule
2 26(a)(1)(A-D) remains unchanged and is set for **May 1, 2017**.

3 **IT IS SO ORDERED.**

4 Dated: 4/7/2017

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6 Hon. Barbara L. Major
7 United States Magistrate Judge
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