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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

LUIS JESUS LOBATON, an individual,
HEDY JULCA, an individual, DIEGO
STEVEN LOBATON, and individual,
and "B.C." a minor, by and through his
mother and guardian ad litem, Hedy
Julca,

Plaintiffs,

v.

CITY OF SAN DIEGO, a municipal
corporation, NATHAN PARGA, an
individual, KELVIN LUJAN, an
individual, SAM EULER, an individual,
ALI BAKHSHI, an individual, and DOES
1 through 200,

Defendants.

Case No.: 15cv1416-GPC (DHB)

**ORDER GRANTING JOINT
MOTION TO CONTINUE
SETTLEMENT CONFERENCE AND
AMEND SCHEDULING ORDER**

[ECF No. 30]

On October 13, 2016, the parties filed a Joint Motion to Continue the Settlement Conference and to Amend the Scheduling Order. (ECF No. 30.) Good cause appearing, **IT IS HEREBY ORDERED** that the Joint Motion is **GRANTED** as follows:

- 1. The Settlement Conference currently scheduled for November 9, 2016 at 2:00 p.m. is continued to **December 8, 2016** at **10:00 a.m.** before Magistrate Judge Louisa S

1 Porter. The Conference will be held in Judge Bartick's chambers at 333 West Broadway,
2 Suite 1080, San Diego, California, 92116. If the parties wish, they may submit updated
3 settlement statements **directly** to Magistrate Judge Bartick's chambers no later than
4 **December 1, 2016**. The parties may either submit confidential settlement statements or
5 may exchange their settlement statements. The individually-named police officers are
6 excused from attending the Conference in person. However, they must be available to be
7 contacted by telephone throughout the duration of the Conference.

8 Pursuant to Rule 16.1(d) of the Local Rules, a Case Management Conference was
9 held on May 13, 2016. Accordingly, **IT IS HEREBY ORDERED:**

10 1. By **January 31, 2017**, each party shall comply with the disclosure provisions
11 in Rule 26(a)(2)(A) and (B) of the Federal Rules of Civil Procedure. This disclosure
12 requirement applies to all persons retained or specially employed to provide expert
13 testimony, or whose duties as an employee of the party regularly involve the giving of
14 expert testimony. **Except as provided in the paragraph below, any party that fails to**
15 **make these disclosures shall not, absent substantial justification, be permitted to use**
16 **evidence or testimony not disclosed at any hearing or at the time of trial. In addition,**
17 **the Court may impose sanctions as permitted by Fed. R. Civ. P. 37(c).**

18 2. Any party shall supplement its disclosure regarding contradictory or rebuttal
19 evidence under Fed. R. Civ. P. 26(a)(2)(D) and 26(e) by **February 28, 2017**.

20 3. All discovery shall be completed by all parties by **March 15, 2017**.
21 "Completed" means that all discovery under Rules 30-36 of the Federal Rules of Civil
22 Procedure, and discovery subpoenas under Rule 45, must be initiated a sufficient period of
23 time in advance of the cut-off date, **so that it may be completed** by the cut-off date, taking
24 into account the times for service, notice and response as set forth in the Federal Rules of
25 Civil Procedure. **Counsel shall promptly and in good faith meet and confer with**
26 **regard to all discovery disputes in compliance with Local Rule 26.1(a).** The Court
27 expects counsel to make every effort to resolve all disputes without court intervention
28 through the meet and confer process. If the parties reach an impasse on any discovery

1 issue, counsel shall file an appropriate joint motion within the time limit and according to
2 the procedures outlined in Magistrate Judge David H. Bartick's Civil Chambers Rules,
3 which are posted on the Court's website. **A failure to comply in this regard will result**
4 **in a waiver of a party's discovery issue. Absent an order of the Court, no stipulation**
5 **continuing or altering this requirement will be recognized by the Court.**

6 4. All pretrial motions, including those addressing Daubert issues related to
7 dispositive motions must be filed by April 12, 2017. Pursuant to Honorable Gonzalo P.
8 Curiel's Civil Pretrial & Trial Procedures, all motions for summary judgment shall be
9 accompanied by a separate statement of undisputed material facts. Any opposition to a
10 summary judgment motion shall include a response to the separate statement of undisputed
11 material facts. Counsel for the moving party must obtain a motion hearing date from the
12 law clerk of the judge who will hear the motion. Motion papers **MUST** be filed and served
13 the same day of obtaining a motion hearing date from chambers. A briefing schedule will
14 be issued once a motion has been filed. The period of time between the date you request a
15 motion date and the hearing date may vary. Please plan accordingly. Failure to make a
16 timely request for a motion date may result in the motion not being heard.

17 5. All remaining deadlines and requirements set forth in the Court's May 16,
18 2016 Scheduling Order remain in effect. (*See* ECF No. 22.)

19 **IT IS SO ORDERED.**

20 Dated: October 19, 2016

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22 LOUISA S PORTER
23 United States Magistrate Judge
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