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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

ANTHONY McALLISTER,  
Plaintiff,

v.

UNITED STATES OF AMERICA; "K"  
LINE RORO BULK SHIP  
MANAGEMENT CO., LTD.;  
BELOCEAN SHIPPING, S.A.; PASHA  
HAWAII HOLDINGS, LLC; and DOES  
1-10, inclusive,  
Defendants.

UNITED STATES OF AMERICA,  
Third-Party Plaintiff,

v.

SHANGHAI HIGHWAY, her engines,  
apparel, electronics, tackle, boats,  
appurtenances, etc., *in rem*, "K" LINE  
RORO BULK SHIP MANAGEMENT  
CO., LTD., BELOCEAN SHIPPING,  
S.A., and UNKNOWN DEFENDANTS

Case No.: 3:19-cv-01490-MMA-AHG  
In Admiralty

**ORDER GRANTING JOINT  
MOTION TO AMEND  
SCHEDULING ORDER AND  
ISSUING AMENDED SCHEDULING  
ORDER REGULATING  
DISCOVERY AND OTHER PRE-  
TRIAL PROCEEDINGS**

[ECF No. 69]

1 1-10, *in personam*,  
2 Third-Party Defendants.  
3 UNITED STATES OF AMERICA,  
4 Third-Party Plaintiff,  
5  
6 v.  
7 M/V MARJORIE C, her engines, apparel,  
8 electronics, tackle, boats, appurtenances,  
9 etc., *in rem*,  
10 Third-Party Defendant.

11 This matter comes before the Court on the parties’ Joint Motion for Amended  
12 Scheduling Order. ECF No. 69. The Court discussed the motion with the parties during a  
13 video status conference on July 24, 2020. ECF No. 71. After consulting with the attorneys  
14 of record for the parties and being advised of the status of the case, and good cause  
15 appearing, **IT IS HEREBY ORDERED:**

16 1. The Joint Motion (ECF No. 69) is **GRANTED**, except to the extent the parties  
17 requested the Court set a trial date. As discussed *infra* ¶ 9, the trial date will not be set at  
18 this time.

19 2. All fact discovery shall be completed by all parties by **February 12, 2021**.  
20 “Completed” means that all discovery under Rules 30-36 of the Federal Rules of Civil  
21 Procedure, and discovery subpoenas under Rule 45, must be initiated a sufficient period of  
22 time in advance of the cut-off date, **so that it may be completed** by the cut-off date, taking  
23 into account the times for service, notice and response as set forth in the Federal Rules of  
24 Civil Procedure. **Counsel shall promptly and in good faith meet and confer with  
25 regard to all discovery disputes in compliance with Local Rule 26.1(a). A failure to  
26 comply in this regard will result in a waiver of a party’s discovery issue. Absent an  
27 order of the court, no stipulation continuing or altering this requirement will be  
28 recognized by the court.** The Court expects counsel to make every effort to resolve all

1 disputes without court intervention through the meet and confer process. If the parties  
2 reach an impasse on any discovery issue, the movant must e-mail chambers at  
3 [efile\\_goddard@casd.uscourts.gov](mailto:efile_goddard@casd.uscourts.gov) no later than 45 days after the date of service of the  
4 written discovery response that is in dispute, seeking a telephonic conference with the  
5 Court to discuss the discovery dispute. The email must include: (1) at least three proposed  
6 times mutually agreed upon by the parties for the telephonic conference; (2) a neutral  
7 statement of the dispute; and (3) one sentence describing (not arguing) each parties'  
8 position. The movant must copy opposing counsel on the email. No discovery motion may  
9 be filed until the Court has conducted its pre-motion telephonic conference, unless the  
10 movant has obtained leave of Court. **All parties are ordered to read and to fully comply**  
11 **with the Chambers Rules of Magistrate Judge Allison H. Goddard.**

12 3. The parties must designate their respective experts in writing by  
13 **November 6, 2020**. The parties must identify any person who may be used at trial to  
14 present evidence pursuant to Rules 702, 703 or 705 of the Fed. R. Evid. This requirement  
15 is not limited to retained experts. The date for exchange of rebuttal experts must be by  
16 **November 20, 2020**. The written designations must include the name, address and  
17 telephone number of the expert and a reasonable summary of the testimony the expert is  
18 expected to provide. The list must also include the normal rates the expert charges for  
19 deposition and trial testimony.

20 4. By **March 5, 2021**, each party must comply with the disclosure provisions in  
21 Rule 26(a)(2)(A) and (B) of the Federal Rules of Civil Procedure. This disclosure  
22 requirement applies to all persons retained or specially employed to provide expert  
23 testimony, or whose duties as an employee of the party regularly involve the giving of  
24 expert testimony. **Except as provided in the paragraph below, any party that fails to**  
25 **make these disclosures will not, absent substantial justification, be permitted to use**  
26 **evidence or testimony not disclosed at any hearing or at the time of trial. In addition,**  
27 **the Court may impose sanctions as permitted by Fed. R. Civ. P. 37(c).**

28 5. Any party must supplement its disclosure regarding contradictory or rebuttal

1 evidence under Fed. R. Civ. P. 26(a)(2)(D) by **March 26, 2021**.

2 6. All expert discovery must be completed by all parties by **May 14, 2021**. The  
3 parties must comply with the same procedures set forth in the paragraph governing fact  
4 discovery.

5 7. Failure to comply with this section or any other discovery order of the court  
6 may result in the sanctions provided for in Fed. R. Civ. P. 37, including a prohibition on  
7 the introduction of experts or other designated matters in evidence.

8 8. All dispositive pretrial motions, including motions for summary judgment and  
9 motions addressing *Daubert* issues, must be filed by **June 11, 2021**.<sup>1</sup> Counsel for the  
10 moving party must obtain a motion hearing date from Judge Anello's law clerk. The period  
11 of time between the date you request a motion date and the hearing date may vary from  
12 one district judge to another. Please plan accordingly. Failure to make a timely request  
13 for a motion date may result in the motion not being heard.

14 9. If appropriate, following the filing of an order ruling on a motion for summary  
15 judgment or other dispositive pretrial motion, or in the event no such motion is filed, after  
16 the expiration of the deadline set forth in paragraph 8, *supra*, Judge Anello will issue a  
17 pretrial scheduling order setting a pretrial conference, trial date, and all related pretrial  
18 deadlines. The parties must review and be familiar with Judge Anello's Civil Chambers  
19 Rules, which provide additional information regarding pretrial scheduling.

20 10. A Mandatory Settlement Conference shall be conducted on **July 23, 2021** at  
21 **9:30 AM** in the chambers of **Magistrate Judge Allison H. Goddard**. Plaintiff must  
22 serve on Defendant a **written** settlement proposal, which must include a specific demand  
23 amount, no later than **July 2, 2021**. The defendant must respond to the plaintiff **in**  
24 **writing** with a specific offer amount prior to the Meet and Confer discussion. The parties  
25 should not file or otherwise copy the Court on these exchanges. Rather, the parties must  
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28 <sup>1</sup> This deadline is not applicable to pretrial motions *in limine*. For further information  
regarding motions *in limine*, please refer to Judge Anello's Civil Chambers Rules.

1 include their written settlement proposals in their respective Settlement Conference  
2 Statements to the Court. Counsel for the parties must meet and confer in person or by  
3 phone no later than **July 9, 2021**. Each party must prepare a Settlement Conference  
4 Statement, which will be served on opposing counsel and lodged with the Court no later  
5 than **July 14, 2021**. The Statement must be lodged in .pdf format via email to  
6 [efile\\_goddard@casd.uscourts.gov](mailto:efile_goddard@casd.uscourts.gov) (not filed). The substance of the Settlement  
7 Conference Statement must comply fully with Judge Goddard's Mandatory Settlement  
8 Conference Rules (located at  
9 [https://www.casd.uscourts.gov/Judges/goddard/docs/Goddard%20Mandatory%20Settlement](https://www.casd.uscourts.gov/Judges/goddard/docs/Goddard%20Mandatory%20Settlement%20Conference%20Rules.pdf)  
10 [ent%20Conference%20Rules.pdf](https://www.casd.uscourts.gov/Judges/goddard/docs/Goddard%20Mandatory%20Settlement%20Conference%20Rules.pdf)). Each party may also prepare an **optional**  
11 Confidential Settlement Letter for the Court's review only, to be lodged with the Court  
12 no later than **July 14, 2021**. The Letter must be lodged in .pdf format via email to  
13 [efile\\_goddard@casd.uscourts.gov](mailto:efile_goddard@casd.uscourts.gov) (not filed). Should a party choose to prepare a Letter,  
14 the substance of the Settlement Conference Letter must comply fully with Judge  
15 Goddard's Mandatory Settlement Conference Rules. **All parties are ordered to read**  
16 **and to fully comply with the Chambers Rules and Mandatory Settlement**  
17 **Conference Rules of Magistrate Judge Allison H. Goddard.**

18 11. A post trial settlement conference before a magistrate judge may be held  
19 within 30 days of verdict in the case.

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

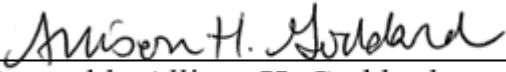
22 13. Briefs or memoranda in support of or in opposition to any pending motion  
23 must not exceed twenty-five (25) pages in length without leave of a district court judge.  
24 No reply memorandum will exceed ten (10) pages without leave of a district court judge.  
25 Briefs and memoranda exceeding ten (10) pages in length must have a table of contents  
26 and a table of authorities cited.

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1 14. Plaintiff's counsel must serve a copy of this order on all parties that enter this  
2 case hereafter.

3 **IT IS SO ORDERED.**

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5 Dated: July 24, 2020

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8 Honorable Allison H. Goddard  
9 United States Magistrate Judge  
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