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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 MASON BROWN,
12 Plaintiff,
13 v.
14 DOLLAR TREE STORES, INC.,
15 Defendant.

Case No.: 20cv1601-BEN-MDD

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

[ECF No. 17]

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18 On February 18, 2021, the parties jointly moved the Court to continue all deadlines
19 in the scheduling order by sixty days. (ECF No. 17). The parties explain that they have
20 been diligent, but despite their diligence they will be unable to comply with the
21 remaining discovery deadlines due to scheduling difficulties. (*Id.*). Upon due
22 consideration, and good cause appearing, the Court **GRANTS** the parties' joint motion as
23 follows:

24 1. All expert disclosures required by Fed. R. Civ. P. 26(a)(2) shall be served on
25 all parties on or before **May 24, 2021**. Any contradictory or rebuttal disclosures within
26 the meaning of Rule 26(a)(2)(D)(ii) shall be disclosed on or before **June 23, 2021**.
27 Unless otherwise stipulated by the parties, the required expert disclosures shall include an
28 expert report as required by Rule 26(a)(2)(B). If a written report is not required, the

1 disclosure must provide the information required under Rule 26(a)(2)(C).

2 2. All discovery, including expert discovery, shall be completed by all parties
3 by **July 30, 2021**. Completed means that interrogatories, requests for production, and
4 other discovery requests must be served at least thirty (30) days prior to the established
5 cutoff date so that responses thereto will be due on or before the cutoff date. All
6 subpoenas issued for discovery must be returnable on or before the discovery cutoff date.
7 All disputes concerning discovery shall be brought to the attention of the Magistrate
8 Judge no later than thirty (30) days following the date upon which the event giving rise to
9 the dispute occurred. The parties are required to meet and confer regarding all discovery
10 disputes pursuant to the requirements of Local Rule 26.1(a). The parties are to comply
11 with the chambers rules of the Magistrate Judge in bringing discovery before the court.

12 3. All other pretrial motions must be filed by **August 23, 2021**. Counsel for
13 the moving party must obtain a motion hearing date from the law clerk of the judge who
14 will hear the motion. The period of time between the date you request a motion date and
15 the hearing date may vary from one district judge to another. Please plan accordingly.
16 Failure to make a timely request for a motion date may result in the motion not being
17 heard. Deadlines for filing motions in limine will be set by the district judge at the final
18 Pretrial Conference.

19 4. When filing a Motion for Summary Judgment and/or Adjudication, the
20 parties need not file a separate statement of material facts absent prior leave of court.

21 5. A Mandatory Settlement Conference shall be conducted on **July 28, 2021** at
22 **9:30 a.m.** in the chambers of **Magistrate Judge Mitchell D. Dembin**. Counsel or any
23 party representing himself or herself shall lodge confidential settlement briefs directly to
24 chambers by **July 21, 2021**. All parties are ordered to read and to fully comply with the
25 Chamber Rules of the assigned magistrate judge.

26 6. For bench trials before the Honorable Roger T. Benitez, counsel shall file
27 their Memoranda of Contentions of Fact and Law and take any other action required by
28 Civil Local Rule 16.1(f)(2) by **December 27, 2021**. In jury trial cases before the

1 Honorable Roger T. Benitez, neither party, unless otherwise ordered by the Court, is
2 required to file Memoranda of Contentions of Fact and Law pursuant to Civil Local Rule
3 16.1(f)(2).

4 7. Counsel shall comply with the pre-trial disclosure requirements of Federal
5 Rule of Civil Procedure 26(a)(3) by **December 27, 2021**. Failure to comply with these
6 disclosure requirements could result in evidence preclusion or other sanctions under
7 Federal Rule of Civil Procedure 37.

8 8. Counsel shall meet and take the action required by Civil Local Rule
9 16.1(f)(4) by **January 3, 2022**. At this meeting, counsel shall discuss and attempt to
10 enter into stipulations and agreements resulting in simplification of the triable issues.
11 Counsel shall exchange copies and/or display all exhibits other than those to be used for
12 impeachment. The exhibits shall be prepared in accordance with Civil Local Rule
13 16.1(f)(4)(c). Counsel shall note any objections they have to any other parties' Pretrial
14 Disclosures under Federal Rule of Civil Procedure 26(a)(3). Counsel shall cooperate in
15 the preparation of the proposed pretrial conference order.

16 9. Counsel for plaintiff will be responsible for preparing the pretrial order and
17 arranging the meetings of counsel pursuant to Civil Local Rule 16.1(f). By **January 10,**
18 **2022**, plaintiff's counsel must provide opposing counsel with the proposed pretrial order
19 for review and approval. Opposing counsel must communicate promptly with plaintiff's
20 attorney concerning any objections to form or content of the pretrial order, and both
21 parties shall attempt promptly to resolve their differences, if any, concerning the order.

22 10. The Proposed Final Pretrial Conference Order, including objections to any
23 other parties' Federal Rule of Civil Procedure 26(a)(3) Pretrial Disclosures shall be
24 prepared, served and lodged with the assigned district judge by **January 18, 2022**, and
25 shall be in the form prescribed in and comply with Civil Local Rule 16.1(f)(6).

26 11. The final Pretrial Conference is scheduled on the calendar of the **Honorable**
27 **Roger T. Benitez** on **January 24, 2022** at **10:30 a.m.**.

28 12. The parties must review the chambers' rules for the assigned district judge

1 and magistrate judge.

2 13. A post trial settlement conference before a magistrate judge may be held
3 within 30 days of verdict in the case.

4 14. The dates and times set forth herein will not be modified except for good
5 cause shown.

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

11 16. Plaintiff's counsel shall serve a copy of this order on all parties that enter
12 this case hereafter.

13 **IT IS SO ORDERED.**

14 Dated: February 18, 2021

15 
16 Hon. Mitchell D. Dembin
17 United States Magistrate Judge
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