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6 UNITED STATES DISTRICT COURT
7 SOUTHERN DISTRICT OF CALIFORNIA
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9 MARTHA DE LA ROSA,

10 Plaintiff,

11 v.

12 COSTCO WHOLESALE
13 CORPORATION,

14 Defendant.
15

Case No.: 21-cv-1630-W-BGS

**ORDER RESETTING PRETRIAL
CONFERENCE AND RELATED
DATES**

16 The Court **HEREBY** resets the Pretrial Conference and related dates as set forth
17 below:

18 1. Despite the requirements of Civil Local Rule 16.1(f)(2), neither party is
19 required to file a Memorandum of Contentions of Fact and Law at any time. The parties
20 shall instead focus their efforts on drafting and submitting a proposed pretrial order by
21 the time and date specified by Civil Local Rule 16.1(f)(6)(b). The proposed pretrial order
22 shall comply with Civil Local Rule 16.1(f)(6) and the Standing Order in Civil Cases
23 issued by the assigned district judge.

24 2. Counsel shall comply with the pre-trial disclosure requirements of Fed. R.
25 Civ. P. 26(a)(3) by **June 19, 2023**. Failure to comply with these disclosure requirements
26 could result in evidence preclusion or other sanctions under Rule 37.

27 3. Counsel shall meet and take the action required by Local Rule 16.1(f)(4) by
28 **June 26, 2023**. At this meeting, counsel shall discuss and attempt to enter into

1 stipulations and agreements resulting in simplification of the triable issues. Counsel shall
2 exchange copies and/or display all exhibits other than those to be used for impeachment.
3 The exhibits shall be prepared in accordance with Local Rule 16.1(f)(4)(c). Counsel shall
4 note any objections they have to any other parties' Pretrial Disclosures under Fed. R. Civ.
5 P. 26(a)(3). Counsel shall cooperate in the preparation of the proposed pretrial
6 conference order.

7 4. Counsel for plaintiff will be responsible for preparing the pretrial order and
8 arranging the meetings of counsel pursuant to Civil Local Rule 16.1(f). By **July 3, 2023**,
9 plaintiff's counsel must provide opposing counsel with the proposed pretrial order for
10 review and approval. Opposing counsel must communicate promptly with plaintiff's
11 attorney concerning any objections to form or content of the pretrial order, and both
12 parties shall attempt promptly to resolve their differences, if any, concerning the order.

13 5. The Proposed Final Pretrial Conference Order, including objections to any
14 other parties' Rule 26(a)(3) Pretrial Disclosures shall be prepared, served and lodged with
15 the assigned district judge by **July 10, 2023**, and shall be in the form prescribed in and
16 comply with Local Rule 16.1(f)(6).

17 6. In addition to submitting the proposed final pretrial conference order, the
18 parties are further ordered to separately submit informal letter briefs, not exceeding two
19 single spaced pages, served on opposing counsel and received in the chambers of Judge
20 Thomas J. Whelan, United States District Judge (and not filed with the Clerk's Office) by
21 2:30 p.m. on **July 19, 2023**.

22 The letter brief should be a relatively informal and straightforward document. The
23 letter brief should outline a short, concise and objective factual summary of the party's
24 case in chief, the number of hours/days each party intends to expend at trial, the
25 approximate number of witnesses, whether certain witnesses will be coming in from out
26 of town, the number of testifying expert witnesses, whether any unique demonstrative
27 exhibits may be presented, the number of proposed motions in limine that may be filed,
28 precisely when the parties would be prepared to submit their in limine papers (and

1 whether the parties have met and conferred with respect to in limine issues), the issue of
2 proposed jury instructions and when the parties intend to submit them before trial, and
3 voir dire issues, either party's preference as to what date(s) the trial should begin and any
4 other pertinent information that either party may deem useful to assist the Court in the
5 execution of the pretrial conference and in setting the matter for trial.

6 7. The final Pretrial Conference is scheduled on the calendar of the **Honorable**
7 **Thomas J. Whelan** on **July 24, 2023** at **10:30 AM**.

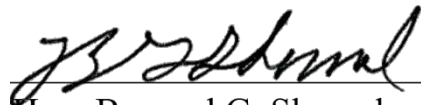
8 8. The parties must review and comply with the chambers' rules for the
9 assigned district judge and magistrate judge.

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

12 10. The dates and times set forth herein will not be modified except for good
13 cause shown or on a showing of excusable neglect. Fed. R. Civ. P. 6(b)(1).

14 **IT IS SO ORDERED.**

15 Dated: May 22, 2023

16 
17 Hon. Bernard G. Skomal
18 United States Magistrate Judge
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