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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BRENDA LAVERY-MADRUGA,  
Plaintiff,  
EMPLOYERS ASSURANCE  
COMPANY,  
Intervenor Plaintiff,  
v.  
CVS PHARMACY, INC. and LONGS  
DRUG STORES CALIFORNIA, LLC,  
Defendants.

Case No.: 3:22-cv-00995-JES-AHG

**ORDER GRANTING IN PART  
JOINT MOTION TO CONTINUE  
CERTAIN SCHEDULING ORDER  
DEADLINES**

**[ECF No. 34]**

Before the Court is the parties' joint motion to continue certain case management deadlines. ECF No. 34. The parties seek an order from the Court extending the fact discovery cutoff, expert disclosure and reports deadline, rebuttal expert disclosure and reports deadline, and expert discovery cutoff, by approximately 80 days. *Id.* The parties previously received a two-month continuance (ECF No. 20) and a three-month continuance (ECF No. 25) of these same deadlines, and discussed their third request with the undersigned during the June 2, 2023, status conference. ECF No. 30. Upon consideration of the parties' instant request, the Court appreciates the parties' thorough motion and

1 counsel's thorough declaration. ECF No. 34. Though the Court still has concerns about the  
2 parties' diligence,<sup>1</sup> the Court finds good cause to **GRANT**<sup>2</sup> the joint motion as follows:

3 1. All fact discovery shall be completed by all parties by **August 21, 2023**.<sup>3</sup>  
4 "Completed" means that all discovery under Rules 30-36 of the Federal Rules of Civil  
5 Procedure, and discovery subpoenas under Rule 45, must be initiated a sufficient period of  
6 time in advance of the cut-off date, **so that it may be completed** by the cut-off date, taking  
7 into account the times for service, notice and response as set forth in the Federal Rules of  
8 Civil Procedure. Counsel shall promptly and in good faith meet and confer with regard to  
9 all discovery disputes in compliance with Local Rule 26.1(a). A failure to comply in this  
10 regard will result in a waiver of a party's discovery issue. Absent an order of the court, no  
11 stipulation continuing or altering this requirement will be recognized by the court. The  
12 Court expects counsel to make every effort to resolve all disputes without court  
13 intervention through the meet and confer process. If the parties reach an impasse on any  
14 discovery issue, the movant must e-mail chambers at [efile\\_goddard@casd.uscourts.gov](mailto:efile_goddard@casd.uscourts.gov) no  
15 later than 45 days after the date of service of the written discovery response that is in  
16 dispute, seeking a telephonic conference with the Court to discuss the discovery dispute.  
17 The email must include: (1) at least three proposed times mutually agreed upon by the  
18 parties for the telephonic conference; (2) a neutral statement of the dispute; and (3) one  
19 sentence describing (not arguing) each parties' position. The movant must copy opposing  
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22 <sup>1</sup> Compare AHG.Chmb.R. at 2 (requiring that all joint motions for continuances be filed  
23 "no less than seven calendar days before the affected date) (emphasis added) *with* ECF  
24 No. 34 (instant motion, filed twelve days after the affected date).

25 <sup>2</sup> Though the parties requested that the Final Pretrial Conference dates remain unchanged  
26 (*see* ECF No. 34 at 3), these dates must be *slightly* modified due to scheduling conflicts,  
e.g., rescheduling the pretrial conference from February 22, 2024, to February 21, 2024.

27 <sup>3</sup> Certain specific dates the parties requested have been changed. For example,  
28 August 20, 2023, is a Sunday; October 21, 2023, is a Saturday; and November 19, 2023,  
is a Sunday.

1 counsel on the email. No discovery motion may be filed until the Court has conducted its  
2 pre-motion telephonic conference, unless the movant has obtained leave of Court. **All**  
3 **parties are ordered to read and to fully comply with the Chambers Rules of**  
4 **Magistrate Judge Allison H. Goddard.**

5 2. The parties shall designate their respective experts in writing by  
6 **September 21, 2023**. The parties must identify any person who may be used at trial to  
7 present evidence pursuant to Rules 702, 703 or 705 of the Fed. R. Evid. This requirement  
8 is not limited to retained experts. The date for exchange of rebuttal experts shall be by  
9 **October 23, 2023**. The written designations shall include the name, address and telephone  
10 number of the expert and a reasonable summary of the testimony the expert is expected to  
11 provide. The list shall also include the normal rates the expert charges for deposition and  
12 trial testimony.

13 3. By **September 21, 2023**, each party shall comply with the disclosure  
14 provisions in Rule 26(a)(2)(A) and (B) of the Federal Rules of Civil Procedure. This  
15 disclosure requirement applies to all persons retained or specially employed to provide  
16 expert testimony, or whose duties as an employee of the party regularly involve the giving  
17 of expert testimony. Except as provided in the paragraph below, any party that fails to  
18 make these disclosures shall not, absent substantial justification, be permitted to use  
19 evidence or testimony not disclosed at any hearing or at the time of trial. In addition, the  
20 Court may impose sanctions as permitted by Fed. R. Civ. P. 37(c).

21 4. Any party shall supplement its disclosure regarding contradictory or rebuttal  
22 evidence under Fed. R. Civ. P. 26(a)(2)(D) by **October 23, 2023**.

23 5. All expert discovery shall be completed by all parties by **November 20, 2023**.  
24 The parties shall comply with the same procedures set forth in the paragraph governing  
25 fact discovery. Failure to comply with this section or any other discovery order of the court  
26 may result in the sanctions provided for in Fed. R. Civ. P. 37, including a prohibition on  
27 the introduction of experts or other designated matters in evidence.

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1           6.     A Mandatory Settlement Conference shall be conducted on  
2 **December 13, 2023** at **9:30 a.m.** in the chambers of **Magistrate Judge**  
3 **Allison H. Goddard**. Plaintiff must serve on Defendant a **written** settlement proposal,  
4 which must include a specific demand amount, no later than **November 22, 2023**. The  
5 defendant must respond to the plaintiff **in writing** with a specific offer amount prior to the  
6 Meet and Confer discussion. The parties should not file or otherwise copy the Court on  
7 these exchanges. Rather, the parties must include their written settlement proposals in their  
8 respective Settlement Conference Statements to the Court. Counsel for the parties must  
9 meet and confer in person or by phone no later than **November 29, 2023**. Each party must  
10 prepare a Settlement Conference Statement, which will be served on opposing counsel and  
11 lodged with the Court no later than **December 6, 2023**. The Statement must be lodged in  
12 .pdf format via email to [efile\\_goddard@casd.uscourts.gov](mailto:efile_goddard@casd.uscourts.gov) (not filed). The substance of  
13 the Settlement Conference Statement must comply fully with Judge Goddard's Mandatory  
14 Settlement Conference Rules (located on the court website at  
15 [https://www.casd.uscourts.gov/Judges/goddard/docs/Goddard%20Mandatory%20Settle-](https://www.casd.uscourts.gov/Judges/goddard/docs/Goddard%20Mandatory%20Settlement%20Conference%20Rules.pdf)  
16 [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** Confidential  
17 Settlement Letter for the Court's review only, to be lodged with the Court no later than  
18 **December 6, 2023**. The Letter must be lodged in .pdf format via email to  
19 [efile\\_goddard@casd.uscourts.gov](mailto:efile_goddard@casd.uscourts.gov) (not filed). Should a party choose to prepare a Letter,  
20 the substance of the Settlement Conference Letter must comply fully with Judge Goddard's  
21 Mandatory Settlement Conference Rules. **All parties are ordered to read and to fully**  
22 **comply with the Chambers Rules and Mandatory Settlement Conference Rules of**  
23 **Magistrate Judge Allison H. Goddard.**

24           7.     Counsel shall file their Memoranda of Contentions of Fact and Law and take  
25 any other action required by Local Rule 16.1(f)(2) by **January 24, 2024**.

26           8.     Counsel shall comply with the pre-trial disclosure requirements of Fed. R.  
27 Civ. P. 26(a)(3) by **January 24, 2024**. Failure to comply with these disclosure requirements  
28 could result in evidence preclusion or other sanctions under Fed. R. Civ. P. 37.

1           9. Counsel shall meet and take the action required by Local Rule 16.1(f)(4) by  
2 **January 31, 2024**. At this meeting, counsel shall discuss and attempt to enter into  
3 stipulations and agreements resulting in simplification of the triable issues. Counsel shall  
4 exchange copies and/or display all exhibits other than those to be used for impeachment.  
5 The exhibits shall be prepared in accordance with Local Rule 16.1(f)(4)(c). Counsel shall  
6 note any objections they have to any other parties' Pretrial Disclosures under Fed. R. Civ.  
7 P. 26(a)(3). Counsel shall cooperate in the preparation of the proposed pretrial conference  
8 order.

9           10. Counsel for plaintiff will be responsible for preparing the pretrial order and  
10 arranging the meetings of counsel pursuant to Civil Local Rule 16.1(f). By  
11 **February 7, 2024**, plaintiff's counsel must provide opposing counsel with the proposed  
12 pretrial order for review and approval. Opposing counsel must communicate promptly  
13 with plaintiff's attorney concerning any objections to form or content of the pretrial order,  
14 and both parties shall attempt promptly to resolve their differences, if any, concerning the  
15 order.

16           11. The Proposed Final Pretrial Conference Order, including objections to any  
17 other parties' Fed. R. Civ. P. 26(a)(3) Pretrial Disclosures shall be prepared, served and  
18 lodged with the assigned district judge by **February 14, 2024**, and shall be in the form  
19 prescribed in and comply with Local Rule 16.1(f)(6).

20           12. The final Pretrial Conference is scheduled on the calendar of the **Honorable**  
21 **James E. Simmons, Jr.** on **February 21, 2024** at **1:30 p.m.**

22           13. The parties must review the chambers' rules for the assigned district judge  
23 and magistrate judge.

24           14. A post trial settlement conference before a magistrate judge may be held  
25 within 30 days of verdict in the case.

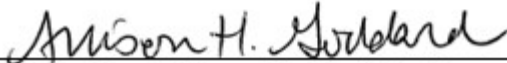
26           15. The dates and times set forth herein will not be modified except for good cause  
27 shown.

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1           16. Briefs or memoranda in support of or in opposition to any pending motion  
2 shall not exceed twenty-five (25) pages in length without leave of a district court judge.  
3 No reply memorandum shall exceed ten (10) pages without leave of a district court judge.  
4 Briefs and memoranda exceeding ten (10) pages in length shall have a table of contents  
5 and a table of authorities cited.

6           **IT IS SO ORDERED.**

7 Dated: June 13, 2023

  
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8 Honorable Allison H. Goddard  
9 United States Magistrate Judge

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