

**UNITED STATES DISTRICT COURT**

**District of Oregon**

**Powell's Books Inc. et al,**

Plaintiff(s)

**vs.**

**Case No: 3:08-CV-501-MO**

**Hardy Myers et al,**

Defendant(s).

**Civil Case Assignment Order**

**(a) Presiding Judge:** The above referenced case has been filed in the US District Court for the District of Oregon and is assigned for all further proceedings to:

**Presiding Judge ..... Hon. Michael Mosman**

**Presiding Judge's Suffix Code\* ..... MO**

\*These letters must follow the case number on all future filings.

**(b) Courtroom Deputy Clerk:** Questions about the status or scheduling of this case should be directed to Dawn Stephens at (503) 326-8024 or dawn\_stephens@ord.uscourts.gov

**(c) Civil Docket Clerk:** Questions about CM/ECF filing requirements or docket entries should be directed to Colleen Brost at (503) 326-8035 or colleen\_brost@ord.uscourts.gov.

**(d) Place of Filing:** Pursuant to LR 3.4(b) all conventionally filed documents must be submitted to the Clerk of Court, Room 740, Mark O. Hatfield United States Courthouse, 1000 S.W. Third Avenue, Portland, Oregon 97204. (See also LR 100.4)

**(e) District Court Website:** Information about local rules of practice, CM/ECF electronic filing requirements, and other related court information can be accessed on the court's website at [www.ord.uscourts.gov](http://www.ord.uscourts.gov).

**(f) Consent to a Magistrate Judge:** In accordance with 28 U.S.C. Sec. 636(c) and Fed. R. Civ. P. 73, all United States Magistrate Judges in the District of Oregon are certified to exercise civil jurisdiction in assigned cases and, with the consent of the parties, may also enter final orders on dispositive motions, conduct trial, and enter final judgment which may be appealed directly to the United States Court of Appeals for the Ninth Circuit.

Parties are encouraged to consent to the jurisdiction of a Magistrate Judge by signing and filing the Consent to Jurisdiction by a United States Magistrate Judge (a copy of the consent form is included with this assignment order). There will be no adverse consequences if a party elects not to file a consent to a Magistrate Judge.

Additional information about United States Magistrate Judges in the District of Oregon can be found on the court's website at [www.ord.uscourts.gov](http://www.ord.uscourts.gov).

**Dated:** April 25, 2008

**By:** /s/ M. Kenney  
M. Kenney, Deputy Clerk

**For:** **Sheryl S. McConnell, Clerk of Court**

**UNITED STATES DISTRICT COURT**

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**Discovery and Pretrial Scheduling Order**

In order to facilitate and expedite discovery and the effective management of this case, the Court orders that:

**(a) Corporate Disclosure Statement:** In accordance with Fed.R.Civ.P. 7.1, any non-governmental corporate party must file a corporate disclosure statement concurrently with the filing of a first appearance.

**(b) Initial Conference of Counsel for Discovery Planning:**

- (1) Except in cases exempted under Fed. R. Civ. 26(a)(1)(E), upon learning the identity of counsel for Defendant(s), counsel for the Plaintiff(s) shall initiate communications with counsel for Defendant(s).
- (2) All counsel shall then confer as required by Fed. R. Civ. P. 26(f) within thirty (30) days after all Defendants have been served (See LR 26.1).
- (3) In accordance with LR 16.2(b) and LR 16.4(c), counsel shall also discuss their client's positions regarding consent to a Magistrate Judge and Alternate Dispute Resolution options.
- (4) If counsel for all of the parties agree to forego the initial disclosures required by Fed. R. Civ. P. 26(a)(1), they can use the Court form issued with this order (See LR 26.2). Whether or not the parties agree to forego the initial disclosures, they may seek discovery once the initial conference of counsel for discovery planning contemplated by Fed. R. Civ. P. 26(f) has occurred (See LR 26.1).

**(c) Rule 16(b) Court Conference for Scheduling and Planning:** Counsel for Plaintiff(s) and for Defendant(s) shall, during or promptly after the conference of counsel referred to in the prior paragraph, contact the assigned judge's deputy clerk and schedule a Rule 16(b) conference for scheduling and planning.

At the conference the parties will be prepared to discuss discovery, consent to a Magistrate Judge, scheduling or other issues presented by this action, including proposed modifications to the initial schedule set forth below (See LR 16.2).

**(d) Pretrial and Discovery Deadlines:** Not later than 120 days from the date of this order, counsel for all parties shall:

- (1) File all pleadings pursuant to Fed. R. Civ. P. 7(a) and 15;
- (2) Join all claims, remedies and parties pursuant to Fed. R. Civ. P. 18 and 19;
- (3) File all pretrial, discovery and dispositive motions;
- (4) Complete all discovery; and
- (5) Confer as to Alternate Dispute Resolution pursuant to LR 16.4(c).

**(e) Pretrial Order Deadline:** Unless otherwise waived by the court, not later than 150 days from the date of this order, counsel shall lodge a Joint Pretrial Order (See LR 16.6), and file a Joint Alternate Dispute Resolution Report (See LR 16.4).

**(f) Service of this Order:** Counsel for the Plaintiff shall serve this order, and all attachments, upon all other parties to the action.

**(g) CM/ECF Electronic Filing Requirements:** Beginning September 1, 2006, all Registered CM/ECF users must electronically file pleadings, documents, and other papers (other than the initial complaint or removal papers), pursuant to LR 100.1(b). Prior to that date, electronic filing by registered CM/ECF users is authorized and encouraged, although not required. More information about CM/ECF and the Court's electronic filing requirements, including Local Rule 100, can be found on the court's website at [www.ord.uscourts.gov](http://www.ord.uscourts.gov).

**Dated: April 25, 2008**

By: /s/ M. Kenney  
M. Kenney, Deputy Clerk

For: **Sheryl S. McConnell, Clerk of Court**

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**Fed. R. Civ. P. 26(a)(1) Discovery Agreement**

In accordance with LR 26.2, I state that the parties who have been served and who are not in default, have agreed to forego the disclosures required by Fed. R. Civ. P. 26(a)(1).

**DATED:**

**Signature:**

\_\_\_\_\_

**Name & OSB ID:**

\_\_\_\_\_

**e-mail address:**

\_\_\_\_\_

**Firm Name:**

\_\_\_\_\_

**Mailing Address:**

\_\_\_\_\_

**City, State, Zip:**

\_\_\_\_\_

**Phone Number:**

\_\_\_\_\_

**Parties Represented**

\_\_\_\_\_

cc: Counsel of Record

**UNITED STATES DISTRICT COURT**

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**Consent to Jurisdiction by a Magistrate Judge  
and Designation of the Normal Appeal Route**

In accordance with Fed. R. Civ. P 73(b), as counsel for the party (parties) identified below, I consent to have a United States Magistrate Judge conduct any and all proceedings in this case, including entry of orders on dispositive motions, trial, and entry of final judgment. I understand that withholding consent will not result in any adverse consequences. In accordance with Fed. R. Civ. P. 73(c), I agree that any appeal from a final order or judgment entered by a United States Magistrate Judge shall proceed directly to the United States Court of Appeals for the Ninth Circuit, and not to a District Judge of this Court.

**DATED:**

**Signature:**

\_\_\_\_\_

**Name & OSB ID:**

\_\_\_\_\_

**e-mail address:**

\_\_\_\_\_

**Firm Name:**

\_\_\_\_\_

**Mailing Address:**

\_\_\_\_\_

**City, State, Zip:**

\_\_\_\_\_

**Phone Number:**

\_\_\_\_\_

**Parties Represented**

\_\_\_\_\_

cc: Counsel of Record

**US District Court – Oregon  
Civil Case Management Time Schedules**

<b>Local Rule</b>	<b>Event or Requirement</b>	<b>Time Frame</b>	<b>Comment</b>
LR 16.1(d)	Discovery and Pretrial Scheduling Order (with attachments)	Issued by the clerk's office at the time of filing, along with the summonses	Required to be served on all parties by the filing party
LR 26.1	Initial Conference for Discovery Planning	Within 30 days from service of the last defendant	Held between parties
LR 16.2(a)	Rule 16(b) Conference	Scheduled by the assigned judge after the required LR 26.1 Discovery Conference	Affirmative duty on all counsel to contact the assigned judge's courtroom deputy (See LR 16.2(a))
LR 16.4(c)	ADR Conference Requirements	Within 120 days from the date the discovery order is issued	Parties must confer with other attorneys and unrepresented parties to discuss ADR options
	Joint Status Report	Within 120 days from the date the discovery order is issued	Required in cases assigned to Judges Hogan and Aiken
LR 16.2(e)	Completion of Discovery	Unless otherwise ordered by the court, within 120 days from the date the discovery order is issued	Discovery deadlines are set forth in the Discovery and Pretrial Scheduling Order
LR 16.4(d)	Joint ADR Report	Within 150 days from the date the discovery order is issued	The parties must file a Joint ADR Report
LR 16.6	Joint Pretrial Order	Unless otherwise modified pursuant to LR 16.6(a), within 150 days from the date the discovery order is issued	PTO filing deadline is established in the Discovery and Pretrial Scheduling Order
LR 16.4(f)(1)(D)	Notice to the Court that the Parties Are Unable to Select a Volunteer Mediator	Within ten (10) days after entry of a court order directing reference to a volunteer mediation	Plaintiff's attorney is responsible for notifying the court
LR 16.4(h)(1)	Notification of Private ADR Results	Within seven (7) days after the conclusion of private ADR proceedings	Plaintiff's attorney is responsible for notifying the court
LR 16.4(h)(2)	Report of Court Appointed Private or Volunteer Mediation	Promptly if no settlement is achieved	Court appointed private or volunteer mediator is responsible for notifying the court