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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

XXXXX,)	CASE NO. CV	-SS
)		
Plaintiff,)	ORDER SETTING SCHEDULING CONFERENCE	
)		
v.)		
)		
XXXX,)	Date:	
)		
Defendant.)	Time:	
)		
)		

The parties have consented to have this case assigned to Magistrate Judge Suzanne H. Segal. All counsel are hereby ordered to familiarize themselves with the Federal Rules of Civil Procedure and the Local Rules of the Central District of California.

This matter is set for a scheduling conference on the above date. If plaintiff has not already served the operative complaint on all defendants, plaintiff shall promptly do so and shall file proofs of service within three days thereafter. Defendants also shall timely serve and file their responsive pleadings, and file proofs of service within three days thereafter. For record-keeping purposes, the Court

1 will dismiss all remaining fictitiously-named defendants (i.e., those
2 who have not been named) at the scheduling conference. The Court will
3 also set a date by which motions to amend the pleadings or add parties
4 must be heard.

5
6 The conference will be held pursuant to Rule 16(b) of the Federal
7 Rules of Civil Procedure. The parties are reminded of their
8 obligations under Rule 26(a)(1) of the Federal Rules of Civil
9 Procedure to disclose information without awaiting a discovery
10 request, and under Rule 26(f) to confer on a discovery plan not later
11 than 21 days before the scheduling conference. Counsel must file a
12 "Joint Rule 26(f) Report" with the Court not later than 14 days before
13 the conference. Counsel should deliver mandatory chambers copies of
14 the Joint Rule 26(f) Report to Judge Segal's chambers. Failure to
15 comply with the following requirements or to cooperate in the
16 preparation of the Joint Rule 26(f) Report may lead to the imposition
17 of sanctions.

18
19 Unless, upon motion by a party, the Court finds that any or all
20 discovery is premature, counsel should begin to conduct discovery
21 before the Scheduling Conference. At the very least, the parties
22 shall comply fully with the letter and spirit of Rule 26(a) and obtain
23 and produce most of what would be produced in the early stages of
24 discovery, because at the Scheduling Conference the Court will impose
25 strict deadlines to complete discovery.

1 This Court does not exempt parties appearing *in propria persona*
2 from compliance with any of the Local Rules, including Local Rule 16.
3 "Counsel," as used in this order, includes parties appearing *in*
4 *propria persona*.

5
6 A continuance of the Scheduling Conference will be granted only
7 for good cause.

8
9 **1. Joint Rule 26(f) Report**

10
11 The Joint Rule 26(f) Report, which shall be filed not later than
12 **14** days before the scheduling conference, shall be drafted by
13 plaintiff (unless the parties agree otherwise), but shall be submitted
14 and signed jointly. "Jointly" contemplates a single report,
15 regardless of how many separately-represented parties there are. The
16 Joint Rule 26(f) Report shall specify the date of the scheduling
17 conference on the caption page. It shall report on all matters
18 described below, which include those required to be discussed by Rule
19 26(f) and Local Rule 26:

20
21 a. Statement of the case: a short synopsis (not to exceed two
22 pages) of the main claims, counterclaims, and affirmative
23 defenses.

24
25 b. Subject matter jurisdiction: a statement of the specific
26 basis of federal jurisdiction, including supplemental
27 jurisdiction.

- 1 c. Legal issues: a brief description of the **key legal issues**,
2 including any unusual substantive, procedural, or
3 evidentiary issues.
4
- 5 d. Parties, evidence, etc.: a list of parties, percipient
6 witnesses, and key documents on the main issues in the case.
7 For conflict purposes, corporate parties must identify all
8 subsidiaries, parents, and affiliates.
9
- 10 e. Damages: the realistic range of provable damages.
11
- 12 f. Insurance: whether there is insurance coverage, the extent
13 of coverage, and whether there is a reservation of rights.
14
- 15 g. Motions: a statement of the likelihood of motions seeking
16 to add other parties or claims, file amended pleadings,
17 transfer venue, etc.
18
- 19 h. Manual for Complex Litigation: whether all or part of the
20 procedures of the Manual for Complex Litigation should be
21 utilized.
22
- 23 I. Status of Discovery: a discussion of the present state of
24 discovery, including a summary of completed discovery.
25
- 26 j. Discovery Plan: a detailed discovery plan, as contemplated
27 by Rule 26(f), including the identity of all anticipated
28 deponents and dates by which their depositions are to be

1 completed (if possible), anticipated written discovery
2 requests, including requests for admission, document
3 requests, and interrogatories, and a schedule for completion
4 of all discovery. State what, if any, changes in the
5 disclosures under Rule 26(a) should be made, the subjects on
6 which discovery may be needed and whether discovery should
7 be conducted in phases or otherwise be limited, **any issues**
8 **about disclosure or discovery of electronically stored**
9 **information, including the form or forms in which it should**
10 **be produced**, whether applicable discovery limitations should
11 be changed or other limitations imposed, and whether the
12 Court should enter other orders.

13
14 k. Discovery cut-off: a proposed discovery cut-off date. This
15 means the final day for completion of discovery, including
16 production of all documents, completion of depositions and
17 resolution of all discovery motions.

18
19 l. Expert discovery: proposed dates for expert witness
20 disclosures (initial and rebuttal) and expert discovery cut-
21 off under Rule 26(a)(2).

22
23 m. Dispositive motions: a description of the issues or claims
24 that any party believes may be determined by motion for
25 summary judgment or other dispositive motion.

26
27 n. Settlement: a statement of what settlement discussions or
28 written communications have occurred (**excluding any**

1 **statement of the terms discussed**) and a statement pursuant
2 to Local Rule 16-14.4 selecting a settlement mechanism under
3 that Rule. Note: If a case is selected for the ADR Pilot
4 Program, the parties may choose private mediation (at their
5 own expense) instead. No case will proceed to trial unless
6 all parties, including the principals of all corporate
7 parties, have appeared personally at a settlement
8 conference.

9
10 o. Trial estimate: a realistic estimate of the time required
11 for trial and whether trial will be by jury or by court.
12 Each side should specify (by number, not by name) how many
13 witnesses it contemplates calling. If the time estimate for
14 trial given in the Joint Rule 26(f) Report exceeds eight
15 court days, counsel shall be prepared to discuss in detail
16 the estimate.

17
18 p. Trial counsel: the name(s) of the attorney(s) who will try
19 the case.

20
21 q. Independent expert: whether this is a case where the Court
22 should consider appointing an independent scientific expert.

23
24 r. Timetable: counsel should complete the Schedule of Pretrial
25 and Trial Dates form attached to this Order and attach it to
26 the Joint Rule 26(f) Report. The entries in the "Weeks
27 Before Trial" column reflect what the Court believes are
28 appropriate for most cases and will allow the Court to rule

1 on potentially dispositive motions sufficiently in advance
2 of the pretrial conference. The form is designed to enable
3 counsel to ask the Court to set different last dates by
4 which the key requirements must be completed. Each side
5 should write in the month, day and year it requests for each
6 event. *E.g.*, for the expert discovery cut-off it might be
7 "10/7/07" for plaintiff and "10/28/07" for defendant, if
8 they cannot agree. At the conference, the Court will review
9 this form with counsel. Each entry proposing Court dates
10 shall fall on a Tuesday. In appropriate cases, the Court
11 may order different dates after it hears from counsel. The
12 discovery cut-off date is the last day by which all
13 depositions must be completed, responses to previously-
14 served written discovery must be provided, and motions
15 concerning discovery disputes must have been heard, not
16 filed. The cut-off date for motions is the last date on
17 which motions may be heard, not filed.

18
19 s. Other issues: a statement of any other issues affecting the
20 status or management of the case (*e.g.*, unusually
21 complicated technical or technological issues, disputes over
22 protective orders, extraordinarily voluminous document
23 production, non-English speaking witnesses, ADA-related
24 issues, discovery in foreign jurisdictions, etc.) and any
25 proposals concerning severance, bifurcation, or other
26 ordering of proof.

1 The Joint Rule 26(f) Report should set forth the above described
2 information under section headings corresponding to those in this
3 Order.

4
5 **2. Scheduling Conference**

6
7 Scheduling conferences will be held in Courtroom 23 on the 3rd
8 Floor of the Spring Street Courthouse. Counsel shall comply with the
9 following:

10
11 a. Participation: the lead trial attorney must attend the
12 scheduling conference, unless excused by the Court for good cause
13 shown in advance of the scheduling conference. When seeking
14 permission not to attend, lead counsel must identify the person who
15 will appear by name and bar number, and specify that person's
16 involvement in the case. The Court may choose to postpone the
17 scheduling conference rather than permit counsel other than lead
18 counsel to attend. Local counsel may not appear at a scheduling
19 conference in place of lead counsel. Counsel should not purport to be
20 "co-lead" counsel as a means of avoiding this requirement.

21
22 b. Continuance: a continuance of the scheduling conference will
23 be granted only for good cause.

24
25 **3. Notice to be Provided by Counsel**

26
27 Plaintiff's counsel or, if plaintiff is appearing *pro se*,
28 defendant's counsel, shall provide this Order to any parties who first

1 appear after the date of this Order and to parties who are known to
2 exist but have not yet entered appearances.

3
4 **4. Disclosures to Clients**

5
6 Counsel are ordered to deliver to their respective clients a copy
7 of this Order and of the Court's trial order, which will contain the
8 schedule that the Court sets at the scheduling conference.

9
10 **5. Court's Website**

11
12 Copies of this and all other orders of this Court that may become
13 applicable to this case are available on the Central District of
14 California website, at www.cacd.uscourts.gov, under "Judge's
15 Procedures and Schedules." Copies of the Local Rules are available on
16 the website. If counsel fail to file the required Joint Rule 26(f)
17 Report, or the required pretrial documents, or if counsel fail to
18 appear at the scheduling conference, the pretrial conference or any
19 other proceeding scheduled by the Court, and such failure is not
20 satisfactorily explained to the Court: (a) the cause shall stand
21 dismissed for failure to prosecute, if such failure occurs on the part
22 of the plaintiff; (b) default judgment shall be entered if such

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1 failure occurs on the part of the defendant; or (c) the Court may take
2 such action as it deems appropriate.

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4 The Court thanks the parties and their counsel for their
5 anticipated cooperation in complying with these requirements.

6
7 IT IS SO ORDERED.

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9 Dated: _____

10 SUZANNE H. SEGAL
11 United States Magistrate Judge
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SCHEDULE OF PRETRIAL AND TRIAL DATES

Case Name:

Matter	Date /Time	Weeks before Trial	Plaintiff(s) Request	Defendant(s) Request	Court's Order
Trial date (Court/Jury) Length of trial - _____ days	9:00 a.m. (Tuesday)				
Pretrial Conference, LR 16	10:00 a.m. (Tuesday)	4			
Hearing on Motions in Limine	10:00 a.m. (Tuesday)	2			
<u>Court Trial</u> Lodge Findings of Fact and Conclusions of Law, LR 52, and Summaries of Direct Testimony		3			
<u>Jury Trial</u> Lodge Final Pretrial Conference Order, LR 16-7; File Proposed and Disputed Jury Instructions and Verdict Forms		(See LR 16-7.1)			
<u>Jury Trial</u> File Memo of Contentions of Fact and Law, LR 16-4; Exhibit and Witness Lists, LR 16-5, 16-6 File Status Report Regarding Settlement		7			
Trial Brief, LR 16-10		1			

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Last date to conduct Settlement Conference, LR 16-14		10			
Last date for hearing dispositive motions, LR 7	10:00 a.m. (Tuesday)	12			
Non-Expert Discovery cut-off					
Expert Disclosure (Initial)					
Expert Disclosure (Rebuttal)					
Expert Discovery cut-off					
Last day to amend pleadings					