

1
2
3
4
5
6
7 UNITED STATES DISTRICT COURT
8 CENTRAL DISTRICT OF CALIFORNIA - EASTERN DIVISION
9

10 PLAINTIFF,

11 Plaintiff,

12 v.

13 DEFENDANT,

14 Defendants.

Case No. CASE NUMBER

SCHEDULING MEETING OF COUNSEL,
ORDER PURSUANT TO FRCP 16, 26(f)

SCHEDULING CONFERENCE
set for Enter Date, at 9:30 a.m.

Courtroom No. 1, 3470 Twelfth Street,
Riverside, California

15
16
17 **READ THIS ORDER CAREFULLY. IT CONTROLS THE CASE**
18 **AND DIFFERS IN SOME RESPECTS FROM THE LOCAL RULES.**

19 A Scheduling Conference is set for the date and time set forth in the caption.¹
20 Counsel shall meet at least twenty-one (21) days in advance of the Scheduling
21 Conference to prepare a jointly signed report for the court to be submitted no less than
22 fourteen (14) days before the Scheduling Conference. The report is to contain the
23
24

25
26 ¹ Unless there is a likelihood that upon motion by a party the Court would order that
27 any or all discovery is premature, it is advisable for counsel to begin to conduct discovery
28 actively before the Scheduling Conference required by Fed. R. Civ. P. 16(b). At the very
least, the parties shall comply fully with the letter and spirit of Fed. R. Civ. P. 26(a) and
thereby obtain and produce most of what would be produced in the early stage of discovery,
because at the Scheduling Conference the Court will impose tight deadlines to complete
discovery.

1 items set forth below. Pursuant to Fed. R. Civ. P. 16(c), the parties shall be
2 represented by counsel with authority to enter into stipulations regarding all matters
3 pertaining to conduct of the case. **Specifically, unless afforded leave of Court, lead**
4 **trial counsel for all parties shall attend the conference.**

5 The joint report to be submitted shall contain the items listed in Fed. R. Civ. P.
6 26(f), the parties' recommendations and agreements, if any, about the final scheduling
7 order as listed in Fed. R. Civ. P. 16(b)(3), and those items listed in Fed. R. Civ. P.
8 16(c) which counsel believe will be useful to discuss at the Scheduling Conference.

9 Items which must be listed are the following:

- 10 (1) a listing and proposed schedule of written
11 discovery, depositions, and a proposed
discovery cut-off date;
- 12 (2) a listing and proposed schedule of law and
13 motion matters, and a proposed dispositive
motion cut-off date;
- 14 (3) a statement of what efforts have been made to
15 settle or resolve the case to date and what
16 settlement procedure is recommended pursuant
to Local Rule 16-14.4 (specifically excluding any
statement of the terms discussed);
- 17 (4) an estimated length of trial and a proposed date
18 for the Final Pretrial Conference and for Trial;
- 19 (5) a discussion of other parties likely to be added;
- 20 (6) whether trial will be by jury or to the court;
- 21 (7) any other issues affecting the status or
management of the case; and
- 22 (8) proposals regarding severance, bifurcation or other ordering of proof.

23
24 At the Scheduling Conference, the court will set a date for discovery cut-off², a

25
26 ²This is not the date by which discovery requests must be served; but the date by
27 which all discovery is to be completed. Any motion challenging the adequacy of discovery responses
28 must be filed timely, served and calendared sufficiently in advance of the discovery cutoff date to permit
the responses to be obtained before that date, if the motion is granted. The Court requires compliance
with Local Rule 37-1 and 37-2 in the preparation

1 final date by which dispositive motions must be set for hearing, a Final Pretrial
2 Conference date, and a trial date. The parties should also be aware that pursuant to
3 Fed. R. Civ. P. 26(f), **no later than fourteen (14) days** before the Scheduling
4 Conference, the parties shall submit an agreed discovery plan to the court for
5 approval; this subject will be discussed at the Scheduling Conference. The parties
6 should recommend to the court whether or not the requirement of a discovery plan
7 should be waived. Failure to file a timely Rule 26(f) report may result in the imposition
8 of monetary sanctions, and a re-scheduling of this matter on calendar. Any party
9 seeking to request a continuance of this matter for any reason, shall no later than 14
10 days before the date of the scheduling conference, immediately notify the deputy clerk
11 and also e-file an appropriate request by stipulation of the parties and submit separately
12 a proposed order requesting continuance to the chambers electronic mailbox.

13 **Mandatory Settlement**

14 A settlement procedure appropriate to the particular case is **mandatory**, and will
15 be used in every civil action pursuant to Local Rule 16-14.1, unless expressly waived
16 and approved by the Court. In the Scheduling Conference Report, counsel are to
17 recommend a specific settlement procedure provided for in Local Rule 16-14 which will
18 be utilized in this case. Any party that fails to participate in the mandatory settlement
19 procedures, shall be subject to possible sanctions, which may include monetary
20 sanctions and/or the striking of their pleadings and/or entry of default and default
21 judgment against the offending party. It shall be the responsibility of the parties to notify
22 the Court of any non-compliance.

23 Available alternatives for consideration, not to the exclusion of others, include:

- 24 (1) a settlement conference before a magistrate judge;
- 25
- 26 _____

27 and filing of discovery motions. Except in the case of an extreme emergency which was not
28 created by the lawyer bringing the motion, discovery motions may not be heard on an ex
parte basis.

- 1 (2) appearance before a retired judicial officer or
2 other private or non-profit dispute resolution
3 body for settlement or mediation proceedings
(Local Rule 16-14.4(3));
- 4 (3) appearance before an attorney selected from the
5 Attorney Settlement Officer Panel (Local Rule
6 16-14.4(2));
- 7 (4) such other settlement mechanism proposed by
8 the parties and approved by the court.

9 The report to the court as to the above items should be preceded by a thorough
10 and frank discussion among the attorneys for the parties. **A courtesy copy** of the
11 Joint Report shall be delivered to the courtesy box outside the courtroom on the
12 Second Floor of the U.S. Courthouse, 3470 Twelfth Street, Riverside, California, **by no**
13 **later than noon the day after e-filing**. Communications with Chambers: Counsel
14 shall not attempt to contact the Court or its chambers staff by telephone or by any other
15 exparte means, although counsel may contact the courtroom deputy at (951) 328-4464,
16 with appropriate inquiries. To facilitate communication with the courtroom deputy,
17 counsel should list their facsimile transmission numbers along with their telephone
18 numbers on all papers.

19 **Notice of this Order:**

20 The courtroom deputy clerk is ordered to serve a copy of this Order by mail,
21 facsimile or electronic mail (e-mail) on counsel for all parties to this action.

22 If, any party in this civil action has elected to file a notice of non-consent to
23 service by e-mail, this order will be served on the non-consenting party(s) by regular
24 U.S. Postal Service.

25 **Notice of Removals**

26 Any cases removed to the United States District Court from any State Court or,
27 Federal or State agencies, the removing party-defendant(s) shall immediately serve this
28 Order on any new parties appearing post-removal, and within 3 days of such removal

1
2 shall file a proof of service with this Court that describes the manner, date, and location
3 of such service. The removing party shall also file a notice of removal on the State
4 Court or, Federal or State agencies in the venue from which the instant action
5 originated, and within 3 days thereafter shall file with this Court a proof of service that
6 describes the manner, date and location of such service.

7 Any party that fails to comply with this Court's service requirements shall be
8 subject to an Order to Show Cause hearing which may result in the issuance of
9 monetary sanctions, striking of their pleadings, entry of default judgment against the

10 / / /

11 / / /

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 offending party or dismissal of the entire action.

2 **Internet Site:**

3 Counsel are encouraged to review the Central District's Website for additional
4 information.³ The address is "<http://www.cacd.uscourts.gov>".

5
6
7 Dated:

8
9
10 
11 _____
12 STEPHEN G. LARSON
13 UNITED STATES DISTRICT JUDGE
14
15
16
17
18
19

20 _____
21 ³Copies of the Local Rules are available on our website at
22 "<http://www.cacd.uscourts.gov>" or they may be purchased from one of the following:

23 Los Angeles Daily Journal
24 915 East 1st Street
25 Los Angeles, California 90012

26 West Publishing Company
27 610 Opperman Drive
28 Post Office Box 64526
St. Paul, Minnesota 55164-0526

Metropolitan News
210 South Spring Street
Los Angeles, California 90012

