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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

[Party],  
Plaintiff,  
v.  
[Party],  
Defendant.

Case No.

**ORDER SETTING SCHEDULING  
CONFERENCE**

Date:  
Time:  
Ct. No.: 2  
3470 Twelfth Street  
Riverside, California 92501

**PLEASE READ THIS ORDER CAREFULLY. IT DIFFERS IN SOME  
RESPECTS FROM THE LOCAL RULES.**

This case has been assigned to Judge John W. Holcomb. This matter is set for a Scheduling Conference on the date set forth above. If Plaintiff has not already served the operative Complaint on *all* defendants, Plaintiff shall do so *promptly* and shall file proofs of service within three days thereafter. Defendants shall also timely serve and file their respective responsive pleadings, and they shall file proofs of

1 service within three days thereafter. At the Scheduling Conference, the Court will set  
2 a date by which motions to amend the pleadings or to add parties must be heard.

3 The Scheduling Conference will be conducted pursuant to Rule 16(b) of the  
4 Federal Rules of Civil Procedure. The parties are reminded of their obligations under  
5 Rule 26(f) to confer regarding a discovery plan no later than 21 days before the  
6 Scheduling Conference and to e-file a “Joint Rule 26(f) Report” with the Court no  
7 later than 14 days before the Conference. Mandatory paper chambers copies of the  
8 Joint Rule 26(f) Report must be (a) delivered to Judge Holcomb’s drop box outside  
9 the door of Courtroom 2 by 5:00 p.m. on the first court day following the e-filing; or  
10 (b) transmitted via FedEx, UPS, or other overnight service, for delivery no later than  
11 5:00 p.m. on the first court day following the e filing, addressed to the Chambers of  
12 Judge John W. Holcomb, U.S. District Court for the Central District of California,  
13 Courtroom 2, 3470 Twelfth Street, Riverside, CA 92501.

14 The Court encourages counsel to begin to conduct discovery actively *before*  
15 the Scheduling Conference. At the very least, the parties shall comply fully with the  
16 letter and spirit of Rule 26(a) and thereby obtain and produce most of what would be  
17 produced in the early stage of discovery, because at the Scheduling Conference the  
18 Court will impose strict deadlines to complete discovery.

19 This Court does not exempt parties appearing *in propria persona* from  
20 compliance with any of the Local Rules, including L.R. 16. “Counsel,” as used in this  
21 order, includes parties appearing *in propria persona*.

#### 22 **A. Joint Rule 26(f) Report**

23 The Joint Rule 26(f) Report, which shall be filed *no later than 14 days* before  
24 the Scheduling Conference, shall be drafted by Plaintiff (unless the parties agree  
25 otherwise), but shall be submitted and signed jointly. “Jointly” contemplates a single  
26 report, regardless of how many separately represented parties are in the case. The  
27 Joint Rule 26(f) Report shall specify the date of the Scheduling Conference on the  
28

1 caption page. It shall report on all matters described below, which include those  
2 required to be discussed by Rule 26(f) and L.R. 26:

3 1. Statement of the Case: A short synopsis (not to exceed two pages) of  
4 the main claims in the Complaint and in the Counterclaim (if any) and the primary  
5 affirmative defenses.

6 2. Subject Matter Jurisdiction: A statement of the *specific* basis of federal  
7 jurisdiction, including supplemental jurisdiction.

8 3. Legal Issues: A brief description of the *key legal issues*, including any  
9 unusual substantive, procedural, or evidentiary issues.

10 4. Parties, Evidence, etc.: A list of parties, witnesses, and key documents  
11 on the main issues in the case. For conflict purposes, corporate parties must identify  
12 all subsidiaries, parents, and affiliates.

13 5. Damages: The realistic range of provable damages.

14 6. Insurance: Whether there is insurance coverage, the extent of coverage,  
15 and whether there is a reservation of rights.

16 7. Motions: A statement of the likelihood of motions seeking to add other  
17 parties or claims, to file amended pleadings, to transfer venue, etc.

18 8. Manual for Complex Litigation: Whether all or part of the procedures  
19 of the Manual for Complex Litigation should be utilized for this case.

20 9. Status of Discovery: A discussion of the present state of discovery,  
21 including a summary of completed discovery.

22 10. Discovery Plan: A detailed discovery plan, as contemplated by  
23 Rule 26(f). State what, if any, changes in the disclosures under Rule 26(a) should be  
24 made, the subjects on which discovery may be needed, whether discovery should be  
25 conducted in phases or otherwise be limited, whether applicable limitations should be  
26 changed or other limitations imposed, and whether the Court should enter other  
27 orders. A statement that “discovery will be conducted as to all claims and defenses,”  
28 or other vague description, is not acceptable.

1           11.    Discovery Cut-off: A proposed discovery cut-off date. This means the  
2 final day for the ***completion of discovery***, including the resolution of all discovery  
3 motions.

4           12.    Expert Discovery: Proposed dates for expert witness disclosures (initial  
5 and rebuttal) and expert discovery cut-off under Rule 26(a)(2).

6           13.    Dispositive Motions: A description of the issues or claims that any party  
7 believes may be determined by motion for summary judgment or motion *in limine*.

8           14.    Settlement/Alternative Dispute Resolution (ADR): A statement of what  
9 settlement discussions or written communications have occurred (***excluding any***  
10 ***statement of the terms discussed***). If counsel have received a Notice to Parties of  
11 Court-Directed ADR Program (Form ADR-08), the case presumptively will be  
12 referred to the Court Mediation Panel or to private mediation (at the parties' expense).  
13 If the parties jointly desire a settlement conference with the assigned Magistrate Judge,  
14 they should so indicate in their report. The case may not proceed to trial unless all  
15 parties, including an officer (with full authority to settle the case) of all corporate  
16 parties, have appeared personally at an ADR proceeding.

17           15.    Trial Estimate: A realistic estimate of the time required for trial and  
18 whether trial will be by jury or by court. Each side should specify (by number, not by  
19 name) how many witnesses it contemplates calling.

20           16.    Trial Counsel: The name(s) of the attorney(s) who will try the case.

21           17.    Independent Expert or Master: Whether this is a case where the Court  
22 should consider appointing a master pursuant to Rule 53 or an independent scientific  
23 expert.

24           18.    Timetable: ***Complete the Schedule of Pretrial and Trial Dates form***  
25 ***attached as Exhibit A to this Order and attach it to the Joint Rule 26(f) Report.***

26 Each side should write in the month, day, and year it requests for each event. At the  
27 Scheduling Conference, the Court will review this form with counsel. Each entry  
28 proposing Court dates shall fall on a Friday, except the trial date, which is a Monday.

1 Counsel should ensure that requested dates do not fall on a holiday. In appropriate  
2 cases the Court will order different dates after it hears from counsel. The discovery  
3 cut-off date is the last day by which all depositions must be completed, responses to  
4 previously served written discovery must be provided, and motions concerning  
5 discovery disputes must be heard. The cut-off date for motions is the last date on  
6 which motions may be *heard*, not filed. The Court directs counsel's attention to  
7 L.R. 6-1 regarding the timing of motions, oppositions thereto, and hearings thereon.

8 19. Other issues: A statement of any other issues affecting the status or  
9 management of the case (*e.g.*, unusually complicated technical or technological issues,  
10 disputes over protective orders, extraordinarily voluminous document production,  
11 non-English speaking witnesses, ADA-related issues, discovery in foreign  
12 jurisdictions, etc.) and any proposals concerning severance, bifurcation, or other  
13 ordering of proof. *The Court does not like surprises*. Accordingly, counsel and  
14 the parties are directed to raise in the Joint Rule 26(f) Report any and all issues that  
15 may tend to make this case unusual, challenging, or difficult.

16 20. Consent to Proceed Before Magistrate Judge: A statement that counsel  
17 for all parties have discussed whether the parties consent to have a Magistrate Judge  
18 of this Court conduct any and all necessary proceedings and order the entry of  
19 judgment in this matter pursuant to 28 U.S.C. § 636(c) and General Order 12-01. The  
20 statement should indicate whether the parties consent to the assignment of this matter  
21 to a Magistrate Judge.

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

## 24 **B. Scheduling Conference**

25 Scheduling Conferences will be held in Courtroom 2, 3470 Twelfth Street,  
26 Riverside, California. Counsel shall comply with the following:

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1           1.     Participation: Lead trial counsel for each party must be present.  
2 Counsel must be prepared to discuss the substantive issues in the case and authorized  
3 to address scheduling with the Court and opposing counsel.

4           2.     Continuance: A continuance of the Scheduling Conference will be  
5 granted only for good cause.

6 **C.     Notice to be Provided by Counsel**

7           Plaintiff's counsel or, if Plaintiff is appearing *pro se*, Defendant's counsel, shall  
8 provide this Order to any parties who first appear after the date of this Order and to  
9 parties who are known to exist but have not yet entered appearances.

10 **D.     Court's Website**

11           Copies of this and all other orders of this Court that may become applicable to  
12 this case are available on the Central District of California website, at  
13 [www.cacd.uscourts.gov](http://www.cacd.uscourts.gov), under "Judge's Procedures and Schedules." Copies of the  
14 Local Rules are also available on the website.

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16 Dated: \_\_\_\_\_

\_\_\_\_\_  
John W. Holcomb  
UNITED STATES DISTRICT JUDGE

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1 EXHIBIT A: SCHEDULE OF PRETRIAL AND TRIAL DATES WORKSHEET

2	<b>Case No.</b>			
3	<b>Case Name</b>			
4	<b>Matter</b>	<b>Plaintiff(s)' Request</b>	<b>Defendant(s)' Request</b>	<b>Court's Order</b>
5		month/day/year	month/day/year	
6	<input type="checkbox"/> Jury Trial <i>or</i> <input type="checkbox"/> Court Trial <b>(Monday at 9:00 a.m.)</b> Length: _____ Days			
7				
8	Final Pretrial Conference [L.R. 16] and Hearing on Motions <i>In Limine</i> <b>(Friday – 17 days before trial date)</b>			
9				
10	Last Date to Conduct Settlement Conference			
11				
12	Last Date to <b>Hear</b> Non-Discovery Motions (Friday at 9:00 a.m.)			
13				
14	All Discovery Cut-Off (including hearing all discovery motions)			
15				
16	Expert Disclosure (Rebuttal)			
17				
18	Expert Disclosure (Initial)			
19				
20	Last Date to Amend Pleadings or Add Parties			

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22 ADR [L.R. 16-15] Settlement Choice:

- 23  Attorney Settlement Officer Panel
- 24  Private Mediation
- 25  Magistrate Judge