

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

*
v.
*

Plaintiff,

Defendants.

Case No. CV
AMENDED
ORDER SETTING SCHEDULING
CONFERENCE
DATE:
TIME: 1:30 P.M.

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

This case has been assigned to Judge Beverly Reid O’Connell. 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 will dismiss all remaining fictitiously-named defendants (i.e., those who have not been named) at the scheduling conference.

The conference will be held pursuant to Rule 16(b) of the Federal Rules of Civil Procedure (hereafter referred to as “Rule 26”). The parties are reminded of their

1 obligations under Rule 26(a)(1) to disclose information (without awaiting a discovery
2 request), and under Rule 26(f) to confer on a discovery plan not later than 21 days
3 before the scheduling conference and to file a “Joint Rule 26(f) Report” with the Court
4 not later than 14 days after the conference. Paper Chambers copies of the Joint Rule
5 26(f) Report must be delivered to Judge Reid O’Connell’s chambers box on the
6 Spring Street entrance of the Spring Street Federal Building. Paper Chambers copies
7 must be “blue-backed,” with the title of the document on the lower right hand corner
8 of the “blue-back,” and must be “two-hole punched” at the top. Paper Chambers
9 copies must be submitted no later than noon on the day after the e-filing. Failure to
10 comply with the following requirements or to cooperate in the preparation of the Joint
11 Rule 26(f) Report may lead to the imposition of sanctions.

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

17 This Court does not exempt parties appearing in propria persona from
18 compliance with any of the Local Rules, including Local Rule 16. “Counsel,” as used
19 in this order, includes parties appearing in propria persona.

20 1. Joint Rule 26(f) Report

21 The Joint Rule 26(f) Report, which shall be filed not later than 7 days before the
22 scheduling conference, shall be drafted by plaintiff (unless the parties agree
23 otherwise), but shall be submitted and signed jointly. “Jointly” contemplates a single
24 report, regardless of how many separately-represented parties there are. The Joint
25 Rule 26(f) Report shall specify the date of the scheduling conference on the caption
26 page. It shall report on all matters described below, which include those required to
27 be discussed by Rule 26(f) and Local Rule 26:

28 a. Statement of the case: a short synopsis (not to exceed two pages) of the

1 main claims, counterclaims, and affirmative defenses.

2 b. Subject matter jurisdiction: a statement of the specific basis of federal
3 jurisdiction, including supplemental jurisdiction.

4 c. Legal issues: a brief description of the key legal issues, including any
5 unusual substantive, procedural, or evidentiary issues.

6 d. Parties, evidence, etc.: a list of parties, percipient witnesses, and key
7 documents on the main issues in the case. For conflict purposes, corporate parties
8 must identify all subsidiaries, parents, and affiliates.

9 e. Damages: the realistic range of provable damages.

10 f. Insurance: whether there is insurance coverage, the extent of coverage,
11 and whether there is a reservation of rights.

12 g. Motions: a statement of the likelihood of motions seeking to add other
13 parties or claims, file amended pleadings, transfer venue, etc.

14 h. Manual for Complex Litigation: whether all or part of the procedures of
15 the Manual for Complex Litigation should be utilized.

16 i. Status of Discovery: a discussion of the present state of discovery,
17 including a summary of completed discovery.

18 j. Discovery Plan: a detailed discovery plan, as contemplated by Rule 26(f),
19 including the identity of all anticipated deponents and dates by which their depositions
20 are to be completed (if possible), anticipated written discovery requests, including
21 requests for admission, document requests, and interrogatories, and a schedule for
22 completion of all discovery. State what, if any, changes in the disclosures under Rule
23 26(a) should be made, the subjects on which discovery may be needed and whether
24 discovery should be conducted in phases or otherwise be limited, whether applicable
25 limitations should be changed or other limitations imposed, and whether the Court
26 should enter other orders. A statement that discovery will be conducted as to all
27 claims and defenses, or other vague description, is not acceptable.

28 k. Discovery cut-off: a proposed discovery cut-off date. N.B. This means

1 the final day for completion of discovery, including resolution of all discovery
2 motions.

3 l. Expert discovery: whether expert witnesses are contemplated, proposed
4 dates for expert witness disclosures (initial and rebuttal) and expert discovery cut-off
5 under Rule 26(a)(2).

6 m. 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 n. 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) and a statement selecting one of the three ADR
11 Procedures specified in Local Rule 16-15.4 and indicating when the ADR session
12 should occur. Note: If counsel have received a Notice to Parties of Court-Directed
13 ADR Program (form ADR-08), the case presumptively will be referred to the Court
14 Mediation Panel or private mediation (at the parties' expense). No case will proceed
15 to trial unless all parties, including an officer (with full authority to settle the case) of
16 all corporate parties, have appeared personally at an ADR proceeding.

17 o. 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. If the time estimate for trial given
20 in the Joint Rule 26(f) Report exceeds four court days, counsel shall be prepared to
21 discuss in detail the estimate.

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

23 q. Independent Expert or Master: whether this is a case where the Court
24 should consider appointing a master pursuant to Rule 53 or an independent scientific
25 expert. (The appointment of a master may be especially appropriate if there are likely
26 to be substantial discovery disputes, numerous claims to be construed in connection
27 with a summary judgment motion, a lengthy Daubert hearing, a resolution of a
28 difficult computation of damages, etc.)

1 r. Timetable: complete the Schedule of Pretrial and Trial Dates form
2 attached as Exhibit A to this Order and attach it to the Joint Rule 26(f) Report. The
3 entries in the “Weeks Before Trial” column reflect what the Court believes are
4 appropriate for most cases and will allow the Court to rule on potentially dispositive
5 motions sufficiently in advance of the pretrial conference. The form is designed to
6 enable counsel to ask the Court to set different (earlier) last dates by which the key
7 requirements must be completed. Each side should write in the month, day, and year
8 it requests for each event. E.g., for the expert discovery cut-off it might be “05/13/13”
9 for plaintiff and “05/20/13” for defendant, if they cannot agree. At the conference, the
10 Court will review this form with counsel. Each entry proposing Court dates shall fall
11 on a Monday, except the trial date, which is a Tuesday. Counsel should ensure that
12 requested dates do not fall on a holiday. In appropriate cases the Court will order
13 different dates after it hears from counsel. The discovery cut-off date is the last day
14 by which all depositions must be completed, responses to previously-served written
15 discovery must be provided, and motions concerning discovery disputes must be
16 heard. The cut-off date for motions is the last date on which motions may be heard,
17 not filed. The Court is not likely to continue this date, and will not do so unless the
18 trial date is also continued.

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

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

27 2. Scheduling Conference

28 Scheduling conferences will be held in the Spring Street Federal Building,

1 Courtroom 14, 312 North Spring Street, Los Angeles, California. Counsel shall
2 comply with the following:

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

11 b. Continuance: A continuance of the scheduling conference will be granted
12 only for good cause.

13 3. Notice to be Provided by Counsel

14 Plaintiff's counsel or, if plaintiff is appearing pro se, defendant's counsel, shall
15 provide this Order to any parties who first appear after the date of this Order and to
16 parties who are known to exist but have not yet entered appearances.

17 4. Disclosures to Clients

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

21 5. Court's Website

22 Copies of this and all other orders of this Court that may become applicable to
23 this case are available on the Central District of California website, at
24 www.cacd.uscourts.gov, under "Judge's Procedures and Schedules." Copies of the
25 Local Rules are available on the website.

26
27 The Court thanks the parties and their counsel for their anticipated cooperation
28 in complying with these requirements.

1 Caveat: If counsel fail to file the required Joint Rule 26(f) Report, or the
2 required pretrial documents, or if counsel fail to appear at the scheduling conference,
3 the pretrial conference, or any other proceeding scheduled by the Court, and such
4 failure is not satisfactorily explained to the Court: (a) the cause shall be dismissed for
5 failure to prosecute, if such failure occurs on the part of the plaintiff; (b) default (and
6 thereafter default judgment) shall be entered if such failure occurs on the part of the
7 defendant; or (c) the Court may take such other action as it deems appropriate.

8 IT IS SO ORDERED

9
10 Dated: July 2, 2013



HONORABLE BEVERLY REID O'CONNELL
United States District Court Judge

**JUDGE BEVERLY REID O'CONNELL
SCHEDULE OF TRIAL AND PRETRIAL DATES**

Matter	Time	Weeks before trial	Plaintiff(s) (Request)	Defendant(s) (Request)	Court Order
Trial (jury) (court) Estimated length: ____ days	8:30 am				
[Jury trial] Hearing on Motions in Limine;		-1			
[Court trial] File Findings of Fact and Conclusions of Law; Hearing on Motions in Limine		-1			
Hearing on Disputed Jury Instructions	1:30 pm	-2			
Pretrial Conference; Proposed Voir Dire Qs Lodged and Agreed-to Statement of Case	3:00 pm	-4			
Motions in Limine to be filed;		-5			
Lodge Pretrial Conf. Order; File Memo of Contentions of Fact and Law; Exhibit & Witness Lists; File Status Report re Settlement; File Agreed Upon Set of Jury Instructions and Verdict Forms; File Joint Statement re Disputed Instructions, Verdicts, etc.		-6			
Last date to file Joint Report regarding ADR proceeding		-7			
Last date to conduct ADR Proceedings		-8			
Last day for hearing motions	1:30 pm	-9			
Discovery cut-off [Note: Expert disclosure no later than 70 days prior to this date.]		-10			
Last to Amend Pleadings or Add Parties					