

1 **16, 2020.**

2 **3. Fed. R. Civ. P. 26(a)(1) Initial Disclosures**

3 Initial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1) are complete.

4 **4. Non-Expert Discovery Cutoffs And Limits**

5 All non-expert discovery, including motions to compel, shall be completed no later than
6 **November 23, 2020.** Compliance with the non-expert discovery cutoff requires motions to compel be
7 filed and heard sufficiently in advance of the cutoff so that the Court may grant effective relief within
8 the allotted discovery time. A party's failure to have a discovery dispute heard sufficiently in advance
9 of the discovery cutoff may result in denial of the motion as untimely.

10 Non-dispositive motions, including motions to compel, are heard on Fridays at 9:00 a.m.,
11 before the Honorable Barbara A. McAuliffe, United States Magistrate Judge, in Courtroom 8. Before
12 scheduling such motions, the parties shall comply with Local Rule 230 or Local Rule 251.

13 Counsel must comply with Local Rule 251 with respect to discovery disputes or the motion
14 will be denied without prejudice and dropped from calendar. In addition to filing a joint statement
15 electronically, a copy of the joint statement shall also be sent Judge McAuliffe's chambers by email to
16 bamorders@caed.uscourts.gov. Counsel for the parties are additionally required to conduct at least one
17 **telephonic or in person conference** as part of their obligations to meet and confer in good faith to
18 resolve their discovery dispute prior to seeking judicial intervention. The parties are further cautioned
19 that boilerplate objections to written discovery will be summarily denied.

20 Upon stipulation of the parties, Judge McAuliffe will resolve discovery disputes by informal
21 telephonic conference outside the formal procedures of the Local Rules and Federal Rules of Civil
22 Procedure governing noticed motions to compel. The procedures for requesting an informal telephonic
23 conference are set forth in Judge McAuliffe's Case Management Procedures located on the Court's
24 website, <http://www.caed.uscourts.gov>. If the parties stipulate to an informal ruling on a discovery
25 dispute that arises during a deposition, they may request an informal ruling during the deposition by
26 contacting Judge McAuliffe's Courtroom Deputy, Esther Valdez, by telephone at (559) 499-5788.

27 The parties are advised that unless prior leave of the Court is obtained, all moving and
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1 opposition briefs or legal memorandum in civil cases before Judge McAuliffe shall not exceed twenty-
2 five (25) pages. Reply briefs by the moving party shall not exceed ten (10) pages. These page
3 limitations do not include exhibits. Briefs that exceed this page limitation, or are sought to be filed
4 without leave, may not be considered by the Court.

5 Counsel or pro se parties may appear and argue non-dispositive motions before Judge
6 McAuliffe by telephone by dialing the court's teleconference line at (877) 411-9748 and entering
7 access code 3219139, provided they indicate their intent to appear telephonically on their pleadings or
8 by email to evaldez@caed.uscourts.gov at least one week prior to the hearing.

9 **5. Mandatory Settlement Conference**

10 A Settlement Conference has not been scheduled. The parties may contact Courtroom Deputy
11 Esther Valdez at (559) 499-5788 to schedule a settlement conference. If a settlement conference is set,
12 the parties are advised that unless otherwise permitted in advance by the Court, the attorneys who will
13 try the case shall appear at the settlement conference with the parties and the person or persons having
14 full authority to negotiate and settle the case, on any terms, at the conference.

15 **6. Further Status and Scheduling Conference**

16 The Court SETS a further TELEPHONIC STATUS CONFERENCE/SCHEDULING
17 CONFERENCE for **December 1, 2020, at 9:00 AM in Courtroom 8 (BAM) before Magistrate**
18 **Judge Barbara A. McAuliffe**. Prior to the conference, the parties shall meet and confer regarding
19 proposed dates for expert disclosure, supplemental expert disclosure, expert discovery cutoff, and
20 dispositive motion filing. At least one (1) week prior to the conference, the parties SHALL file a
21 JOINT report with proposed dates and/or a statement regarding the status of this matter. The parties
22 are encouraged to appear at the conference by telephone with each party using the following dial-in
23 number and access code: *dial-in number 1-877-411-9748; access coded 3219139*.

24 **7. Effect of This Order**

25 This order represents the best estimate of the court and counsel as to the agenda most suitable
26 to dispose of this case. If the parties determine at any time that the schedule outlined in this order
27 cannot be met, counsel are ordered to notify the court immediately of that fact so that adjustments may
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1 be made, either by stipulation or by subsequent status conference.

2 **The dates set in this Order are considered to be firm and will not be modified absent a**
3 **showing of good cause even if the request to modify is made by stipulation. Stipulations**
4 **extending the deadlines contained herein will not be considered unless they are accompanied by**
5 **affidavits or declarations, and where appropriate, attached exhibits, which establish good cause**
6 **for granting the relief requested.**

7 The failure to comply with this order may result in the imposition of sanctions.

8
9 IT IS SO ORDERED.

10 Dated: June 30, 2020

11 /s/ Barbara A. McAuliffe
12 UNITED STATES MAGISTRATE JUDGE