

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
EASTERN DISTRICT OF CALIFORNIA

-----oo0oo-----

UNITED STATES OF AMERICA for
the benefit of GEOSPHERE
CONSULTANTS, INC., a
California corporation,
Plaintiffs,

v.

TRAVELERS CASUALTY & SURETY
CO. OF AMERICA, a Connecticut
corporation; BARNHART-BALFOUR
BEATTY, INC., a California
corporation, and DOES 1
through 50,
Defendants.

NO. CIV. 2:14-2026 WBS DAD

-----oo0oo-----

STATUS (PRETRIAL SCHEDULING) ORDER

After reviewing the parties' Joint Status Report, the court hereby vacates the Status (Pretrial Scheduling) Conference scheduled for December 22, 2014, and makes the following findings and orders without needing to consult with the parties any further.

1 I. SERVICE OF PROCESS

2 All named defendants have been served, and no further
3 service is permitted without leave of court, good cause having
4 been shown under Federal Rule of Civil Procedure 16(b).

5 II. JOINDER OF PARTIES/AMENDMENTS

6 No further joinder of parties or amendments to
7 pleadings will be permitted except with leave of court, good
8 cause having been shown under Federal Rule of Civil Procedure
9 16(b). See Johnson v. Mammoth Recreations, Inc., 975 F.2d 604
10 (9th Cir. 1992).

11 III. JURISDICTION/VENUE

12 Jurisdiction is predicated upon federal question
13 jurisdiction, 28 U.S.C. § 1331, because plaintiff's claims arise
14 under the Miller Act, 40 U.S.C. § 3131 et seq. The court has
15 supplemental jurisdiction over plaintiff's state law claims
16 pursuant to 28 U.S.C. § 1367. Venue is undisputed and is hereby
17 found to be proper.

18 IV. DISCOVERY

19 The parties shall serve initial disclosures required by
20 Federal Rule of Civil Procedure 26(a)(1) by no later than January
21 9, 2015.

22 The parties shall disclose experts and produce reports
23 in accordance with Federal Rule of Civil Procedure 26(a)(2) by no
24 later than March 6, 2015. With regard to expert testimony
25 intended solely for rebuttal, those experts shall be disclosed
26 and reports produced in accordance with Federal Rule of Civil
27 Procedure 26(a)(2) on or before April 3, 2015.

28 All discovery, including depositions for preservation

1 of testimony, is left open, save and except that it shall be so
2 conducted as to be completed by April 17, 2015. The word
3 "completed" means that all discovery shall have been conducted so
4 that all depositions have been taken and any disputes relevant to
5 discovery shall have been resolved by appropriate order if
6 necessary and, where discovery has been ordered, the order has
7 been obeyed. All motions to compel discovery must be noticed on
8 the magistrate judge's calendar in accordance with the local
9 rules of this court and so that such motions may be heard (and
10 any resulting orders obeyed) not later than April 17, 2015.

11 V. MOTION HEARING SCHEDULE

12 All motions, except motions for continuances, temporary
13 restraining orders, or other emergency applications, shall be
14 filed on or before June 12, 2015. All motions shall be noticed
15 for the next available hearing date. Counsel are cautioned to
16 refer to the local rules regarding the requirements for noticing
17 and opposing such motions on the court's regularly scheduled law
18 and motion calendar.

19 VI. FINAL PRETRIAL CONFERENCE

20 The Final Pretrial Conference is set for August 31,
21 2015, at 2:00 p.m. in Courtroom No. 5. The conference shall be
22 attended by at least one of the attorneys who will conduct the
23 trial for each of the parties and by any unrepresented parties.

24 Counsel for all parties are to be fully prepared for
25 trial at the time of the Pretrial Conference, with no matters
26 remaining to be accomplished except production of witnesses for
27 oral testimony. Counsel shall file separate pretrial statements,
28 and are referred to Local Rules 281 and 282 relating to the

1 contents of and time for filing those statements. In addition to
2 those subjects listed in Local Rule 281(b), the parties are to
3 provide the court with: (1) a plain, concise statement which
4 identifies every non-discovery motion which has been made to the
5 court, and its resolution; (2) a list of the remaining claims as
6 against each defendant; and (3) the estimated number of trial
7 days.

8 In providing the plain, concise statements of
9 undisputed facts and disputed factual issues contemplated by
10 Local Rule 281(b) (3)-(4), the parties shall emphasize the claims
11 that remain at issue, and any remaining affirmatively pled
12 defenses thereto. If the case is to be tried to a jury, the
13 parties shall also prepare a succinct statement of the case,
14 which is appropriate for the court to read to the jury.

15 VII. TRIAL SETTING

16 The jury trial is set for October 27, 2015 at 9:00 a.m.
17 The parties estimate that a jury trial will last three days.

18 VIII. SETTLEMENT CONFERENCE

19 A Settlement Conference will be set at the time of the
20 Pretrial Conference. All parties should be prepared to advise
21 the court whether they will stipulate to the trial judge acting
22 as settlement judge and waive disqualification by virtue thereof.

23 Counsel are instructed to have a principal with full
24 settlement authority present at the Settlement Conference or to
25 be fully authorized to settle the matter on any terms. At least
26 seven calendar days before the Settlement Conference counsel for
27 each party shall submit a confidential Settlement Conference
28 Statement for review by the settlement judge. If the settlement

1 judge is not the trial judge, the Settlement Conference
2 Statements shall not be filed and will not otherwise be disclosed
3 to the trial judge.

4 IX. MODIFICATIONS TO SCHEDULING ORDER

5 Any requests to modify the dates or terms of this
6 Scheduling Order, except requests to change the date of the
7 trial, may be heard and decided by the assigned Magistrate Judge.
8 All requests to change the trial date shall be heard and decided
9 only by the undersigned judge.

10 Dated: December 17, 2014

11 

12 WILLIAM B. SHUBB
13 UNITED STATES DISTRICT JUDGE
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28