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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10

11 PLAINTIFF'S NAME, *et al.*,
12 Plaintiff/s,
13 v.
14

15 DEFENDANT'S NAME, *et al.*,
16 Defendant/s.
17

Case No. 0:00-cv-00000-FLA (x)

**ORDER SETTING SCHEDULING
CONFERENCE**

Date:

Time: 1:00 p.m.

Courtroom: 6B
18

19 **PLEASE READ THIS ORDER CAREFULLY. IT CONTROLS THIS**
20 **ACTION AND DIFFERS IN SOME RESPECTS FROM THE LOCAL**
21 **RULES.**

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I. Introduction

This case has been assigned to United States District Judge Fernando L. Aenlle-Rocha. This matter is set for a Scheduling Conference on the above date in Courtroom 6B of the First Street Courthouse, 350 West 1st Street, Los Angeles, CA, 90012. If Plaintiff has not already served the operative complaint on all Defendants, Plaintiff shall do so promptly and shall file proofs of service of the summons and complaint within three (3) days thereafter. *See* Fed. R. Civ. P. 4; Local Rule 4. Defendants also shall timely serve and file their responsive pleadings and comply with the requirements of Local Rule 5-3.2. At the Scheduling Conference, the court will set a date by which motions to amend the pleadings or add parties must be heard.

The Scheduling Conference will be held pursuant to Fed. R. Civ. P. 16(b). The parties are reminded of their obligations under Fed. R. Civ. P. 26(a)(1) to make initial disclosures without awaiting a discovery request, and under Fed. R. Civ. P. 26(f) to confer regarding a discovery plan at least twenty-one (21) days before the Scheduling Conference. The court encourages counsel to agree to begin to conduct discovery before the Scheduling Conference. At the very least, the parties shall comply fully with the letter and spirit of Fed. R. Civ. P. 26(a) and obtain and produce most of what would be produced in the early stage of discovery as the court will impose strict deadlines to complete discovery at the Scheduling Conference.

Parties appearing *pro se* must comply with the Federal Rules of Civil Procedure and the Local Rules. *See* Local Rules 1-3, 83-2.2.3.

II. Joint Rule 26(f) Report

The Joint Rule 26(f) Report must be filed at least fourteen (14) days before the Scheduling Conference. The court does not require and discourages the submission of courtesy chambers copies of Joint Reports that have been electronically filed.

The Joint Rule 26(f) Report shall be drafted by Plaintiff (unless the parties agree otherwise) but shall be submitted and signed jointly. “Jointly” means a single

1 report regardless of the number of separately represented parties involved in the
2 case. The Joint Rule 26(f) Report shall specify the date of the Scheduling
3 Conference on the caption page and shall report on all matters described below as
4 specified by Fed. R. Civ. P. 26(f) and Local Rule 26:

- 5 a. Statement of the Case: A short synopsis (not to exceed two pages) of
6 the main claims, counterclaims, and affirmative defenses.
- 7 b. Subject Matter Jurisdiction: A statement of the specific basis of federal
8 jurisdiction, including supplemental jurisdiction. If there is a federal
9 question, cite the federal law under which the claim arises.
- 10 c. Legal Issues: A brief description of the key legal issues, including any
11 unusual substantive, procedural, or evidentiary issues.
- 12 d. Parties and Evidence: A list of parties, percipient witnesses, and key
13 documents or other evidence concerning the main issues in the case. For
14 conflict purposes, corporate parties must identify all subsidiaries,
15 parents, and affiliates.
- 16 e. Damages: The realistic range of provable damages.
- 17 f. Insurance: Whether insurance coverage exists, the extent of coverage,
18 and whether there has been or will be a reservation of rights.
- 19 g. Motions: A statement of the likelihood of motions seeking to add other
20 parties or claims, file amended pleadings, transfer venue, or challenge
21 the court's jurisdiction.
- 22 h. Dispositive Motions: A description of the issues or claims any party
23 believes may be determined by motion to dismiss or motion for
24 summary judgment. The parties should refer to the court's Standing
25 Order for specific guidelines governing summary judgment motions.
- 26 i. Manual for Complex Litigation: Whether all or part of the procedures of
27 the Manual for Complex Litigation should be utilized.
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- j. Status of Discovery: A discussion of the present state of discovery, including a summary of pending and completed discovery, and any current or anticipated disputes.
- k. Discovery Plan: A detailed discovery plan, as contemplated by Fed. R. Civ. P. 26(f). State what, if any, changes in the disclosures under Fed. R. Civ. P. 26(a) should be made, the subjects on which discovery may be needed and whether discovery should be conducted in phases or otherwise be limited, whether applicable limitations should be changed or other limitations imposed, and whether the court should enter other orders. A statement that discovery will be conducted as to all claims and defenses or other vague description is not acceptable.
- l. Discovery Cut-off: A proposed discovery cut-off date governing the *completion* of all fact discovery, including resolution of all discovery motions.
- m. Expert Discovery: Proposed dates for initial and rebuttal expert witness disclosures and expert discovery cut-off under Fed. R. Civ. P. 26(a)(2).
- n. Settlement Conference / Alternative Dispute Resolution (“ADR”): A statement of what settlement negotiations have occurred, excluding any statement of the terms discussed. If a Notice to Parties of Court-Directed ADR Program (Form ADR-08) was filed in this case, the court will refer it to the Magistrate Judge, the Court Mediation Panel, or to private mediation at the parties’ expense. The parties must state their preference in the Joint Rule 26(f) Report. The court will exercise its discretion to select an ADR option for the parties if they fail to state a preference. No case will proceed to trial unless all parties, including an officer with full settlement authority for corporate parties, have appeared personally at an ADR proceeding.

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- 1 o. Trial Estimate: A realistic estimate, in days, of the court time required
2 for trial and whether trial will be by jury or by the court. Each side
3 should specify by number, not by name, the number of witnesses it
4 contemplates calling. If the time estimate for trial given in the Joint
5 Rule 26(f) Report exceeds four court days, counsel must address in
6 detail in the Report the basis for the estimate.
- 7 p. Trial Counsel: The names of the attorneys who will try the case.
- 8 q. Independent Expert or Master: Whether the court should consider
9 appointing a master pursuant to Fed. R. Civ. P. 53 or an independent
10 scientific expert at the parties' expense. The appointment of a master
11 may be appropriate in cases where the parties anticipate substantial
12 discovery disputes, numerous claims to be construed in connection with
13 a summary judgment motion, a lengthy *Daubert* hearing, or a resolution
14 of a difficult computation of damages.
- 15 r. Schedule Worksheet: The parties must make every effort to agree on all
16 pretrial and trial dates and must complete the appropriate Schedule of
17 Pretrial and Trial Dates Worksheet ("Worksheet") and include it with
18 their Joint Rule 26(f) Report. The entries in the "Weeks Before FPTC"
19 column reflect what the court believes is appropriate for most cases and
20 will allow the court to rule on potentially dispositive motions
21 sufficiently in advance of the Final Pretrial Conference. However, the
22 parties may propose other dates by which the key requirements must be
23 completed. Each date should be stated as month, day, and year, *e.g.*,
24 1/15/2020. The Final Pretrial Conference and other hearings shall be
25 held on Fridays at 1:30 p.m. Other deadlines that do not involve the
26 court can be any day of the week. The parties must avoid holidays. The
27 court may order different dates from those the parties propose. The
28 discovery cut-off date is the last day by which all depositions must be

completed, responses to previously served written discovery must be provided, and motions concerning discovery disputes must be heard. The cut-off date for motions is the last date on which motions must be heard, not filed. If the parties would like the court to set dates in addition to those listed on the Worksheet, they may so request by separate Stipulation and Proposed Order. Separate Worksheets are provided for class actions, patent cases, cases under the Freedom of Information Act (“FOIA”), and cases for benefits under the Employee Retirement Income Security Act of 1974 (“ERISA”).

- s. Other Issues: A statement of any other issues affecting the status or management of the case, including unusually complicated technical or technological issues, disputes over protective orders, extraordinarily voluminous document production, non-English speaking witnesses, reasonable ADA accommodations, discovery in foreign jurisdictions, the applicability of foreign law, the advanced age or health of parties or key witnesses, and any proposals concerning severance, bifurcation, or other ordering of proof.

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

III. Scheduling Conference

The court may vacate the Scheduling Conference and issue the Scheduling Order based solely on the parties’ Joint Rule 26(f) Report pursuant to Fed. R. Civ. P. 16(b). If the court elects to conduct a scheduling conference, lead trial counsel must attend unless excused by the court for good cause before the conference.

The failure to submit a joint report in advance of the Scheduling Conference or to attend the Scheduling Conference may result in the dismissal of the action, the striking of the Answer and entering a default, and/or the imposition of sanctions. A request to continue the Scheduling Conference will be granted only for good cause.

1 **IV. Notice to be Provided by Counsel**

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

5 **V. Disclosures to Clients**

6 Counsel are ordered to deliver to their clients a copy of this Order and the
7 court's forthcoming Scheduling and Trial Order, which will contain the pretrial and
8 trial schedule for this action.

9 **VI. Court's Website**

10 This and all other generally applicable Orders of this court are available on
11 Judge Aenlle-Rocha's webpage: [http://www.cacd.uscourts.gov/honorable-fernando-](http://www.cacd.uscourts.gov/honorable-fernando-l-aenlle-rocha)
12 [l-aenlle-rocha](http://www.cacd.uscourts.gov/honorable-fernando-l-aenlle-rocha). The Local Rules are also available on the court's website:
13 <https://www.cacd.uscourts.gov/court-procedures/local-rules>.

14 The court thanks the parties and their counsel for their anticipated cooperation.

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16 IT IS SO ORDERED.

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18 Dated:

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20 _____
21 FERNANDO L. AENLLE-ROCHA
22 United States District Judge
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STANDARD SCHEDULE OF PRETRIAL AND TRIAL DATES WORKSHEET

Please complete this worksheet jointly and file it with your Joint Rule 26(f) Report.
The parties must make every effort to agree on dates or the court will set them.

Case No.	Case Name:		
Trial and Final Pretrial Conference Dates		Pl(s)' Date mm/dd/yyyy	Def(s)' Date mm/dd/yyyy
Check one: <input type="checkbox"/> Jury Trial or <input type="checkbox"/> Bench Trial [Monday at 8:15 a.m. within 13–16 months of Scheduling Conference] Estimated Duration: _____ Days			
Final Pretrial Conference ("FPTC") [L.R. 16], Hearing on Motions in Limine [Friday at 1:30 p.m. at least 17 days before trial]			
Event Note: Hearings shall be on Fridays at 1:30 p.m. Other dates can be any day of the week.	Time Computation	Pl(s)' Date mm/dd/yyyy	Def(s)' Date mm/dd/yyyy
Last Date to <u>Hear</u> Motion to Amend Pleadings or Add Parties [Friday]	91 days after scheduling conference		
Fact Discovery Cut-Off [Friday] (no later than deadline for filing dispositive motion)	21 weeks before FPTC		
Expert Disclosure (Initial)	20 weeks before FPTC		
Expert Disclosure (Rebuttal)	18 weeks before FPTC		
Expert Discovery Cut-Off	16 weeks before FPTC		
Last Date to <u>Hear</u> Motions [Friday] • Rule 56 Motion due at least 5 weeks before hearing • Opposition due 2 weeks after Motion is filed • Reply due 1 week after Opposition is filed	12 weeks before FPTC		
Deadline to Complete Settlement Conference [L.R. 16-15] <u>Select one:</u> <input type="checkbox"/> 1. Magistrate Judge (with Court approval) <input type="checkbox"/> 2. Court Mediation Panel <input type="checkbox"/> 3. Private Mediation	5 weeks before FPTC		
<u>Trial Filings</u> (first round) [Friday] • Motions <i>in Limine</i> • Memoranda of Contentions of Fact and Law [L.R. 16-4] • Witness Lists [L.R. 16-5] • Joint Exhibit List [L.R. 16-6.1] • Joint Status Report Regarding Settlement • Proposed Findings of Fact and Conclusions of Law [L.R. 52] (bench trial only) • Declarations Containing Direct Testimony, if ordered (bench trial only)	4 weeks before FPTC		
<u>Trial Filings</u> (second round) [Friday] • Oppositions to Motions <i>in Limine</i> • Joint Proposed Final Pretrial Conference Order [L.R. 16-7] • Joint Agreed Upon Proposed Jury Instructions (jury trial only) • Disputed Proposed Jury Instructions (jury trial only) • Joint Proposed Verdict Forms (jury trial only) • Joint Proposed Statement of the Case (jury trial only) • Proposed <i>Voir Dire</i> Questions, if any (jury trial only) • Evidentiary Objections to Declarations of Direct Testimony (bench trial only)	2 weeks before FPTC		

CLASS ACTION SCHEDULE OF PRETRIAL AND TRIAL DATES WORKSHEET

Please complete this worksheet jointly and file it with your Joint Rule 26(f) Report.
The parties must make every effort to agree on dates or the court will set them.

Case No.	Case Name:		
Trial and Final Pretrial Conference Dates		Pl(s)' Date mm/dd/yyyy	Def(s)' Date mm/dd/yyyy
Check one: <input type="checkbox"/> Jury Trial or <input type="checkbox"/> Bench Trial Estimated Duration: _____ Days		To be set by the court	To be set by the court
Final Pretrial Conference ("FPTC") [L.R. 16], Hearing on Motions in Limine		To be set by the court	To be set by the court
Event <small>Note: Hearings shall be on Fridays at 1:30 p.m. Other dates can be any day of the week.</small>	Time Computation	Pl(s)' Date mm/dd/yyyy	Def(s)' Date mm/dd/yyyy
Last Date to <u>Hear</u> Motion to Amend Pleadings or Add Parties [Friday]	91 days after scheduling conference		
Last Date to <u>Hear</u> Motion for Class Certification [Friday]	39 weeks after scheduling conference		
Fact Discovery Cut-Off [Friday] (no later than deadline for filing dispositive motion)	68 weeks after scheduling conference		
Expert Disclosure (Initial)	69 weeks after scheduling conference		
Expert Disclosure (Rebuttal)	71 weeks after scheduling conference		
Expert Discovery Cut-Off	73 weeks after scheduling conference		
Last Date to <u>Hear</u> Motions [Friday] • Rule 56 Motion due at least 5 weeks before hearing • Opposition due 2 weeks after Motion is filed • Reply due 1 week after Opposition is filed	To be set by the court	To be set by the court	To be set by the court
Deadline to Complete Settlement Conference [L.R. 16-15] <u>Select one:</u> <input type="checkbox"/> 1. Magistrate Judge (with Court approval) <input type="checkbox"/> 2. Court Mediation Panel <input type="checkbox"/> 3. Private Mediation	84 weeks after scheduling conference		
<u>Trial Filings</u> (first round) [Friday] • Motions <i>in Limine</i> • Memoranda of Contentions of Fact and Law [L.R. 16-4] • Witness Lists [L.R. 16-5] • Joint Exhibit List [L.R. 16-6.1] • Joint Status Report Regarding Settlement • Proposed Findings of Fact and Conclusions of Law [L.R. 52] (bench trial only) • Declarations Containing Direct Testimony, if ordered (bench trial only)	To be set by the court	To be set by the court	To be set by the court
<u>Trial Filings</u> (second round) [Friday] • Oppositions to Motions <i>in Limine</i> • Joint Proposed Final Pretrial Conference Order [L.R. 16-7] • Joint Agreed Upon Proposed Jury Instructions (jury trial only) • Disputed Proposed Jury Instructions (jury trial only) • Joint Proposed Verdict Forms (jury trial only) • Joint Proposed Statement of the Case (jury trial only) • Proposed <i>Voir Dire</i> Questions, if any (jury trial only) • Evidentiary Objections to Declarations of Direct Testimony (bench trial only)	To be set by the court	To be set by the court	To be set by the court

PATENT ACTION SCHEDULE OF PRETRIAL AND TRIAL DATES WORKSHEET

Please complete this worksheet jointly and file it with your Joint Rule 26(f) Report.
The parties must make every effort to agree on dates or the court will set them.

Case No.	Case Name:		
Trial and Final Pretrial Conference Dates		Pl(s)' Date mm/dd/yyyy	Def(s)' Date mm/dd/yyyy
Check one: <input type="checkbox"/> Jury Trial or <input type="checkbox"/> Bench Trial [Monday at 8:15 a.m. within 15–21 months of Scheduling] Estimated Duration: _____ Days			
Final Pretrial Conference ("FPTC") [L.R. 16], Hearing on Motions in Limine [Friday at 1:30 p.m. at least 17 days before trial]			
Event Note: Hearings shall be on Fridays at 1:30 p.m. Other dates can be any day of the week.	Time Computation	Pl(s)' Date mm/dd/yyyy	Def(s)' Date mm/dd/yyyy
Last Date to <u>Hear</u> Motion to Amend Pleadings or Add Parties [Friday]	91 days after scheduling conference		
Deadline to Serve Infringement Contentions & Related Disclosures [Patent Rules 2(a), (b)]	14 days after scheduling conference		
Deadline to Serve Invalidity Contentions & Related Disclosures [Patent Rules 2(c), (d)]	59 days after scheduling conference		
Deadline to Exchange Proposed Terms for Construction [Patent Rule 3(a)]	14 days after deadline to serve Invalidity Contentions; 42 days after deadline to serve Infringement Contentions (if validity is not at issue); or 14 days after service of Answer in declaratory judgment actions not based on validity).		
Deadline to Exchange Preliminary Claim Constructions and Extrinsic Evidence [Patent Rule 3(b)]	21 days after deadline to exchange proposed claim construction terms		
Deadline to Submit Joint Claim Construction and Prehearing Statement, and Expert Reports [Patent Rule 3(c)]	46 days after deadline to exchange proposed claim construction terms		
Claim Construction Discovery Cut-Off [Patent Rule 3(d)]	76 days after deadline to exchange proposed claim construction terms		
Deadline to File Opening Claim Construction Briefs [Patent Rule 3(e)(i)]	91 days after deadline to exchange proposed claim construction terms		
Deadline to File Responsive Claim Construction Briefs [Patent Rule 3(e)(ii)]	105 days after deadline to exchange proposed claim construction terms		
Deadline to File Reply Claim Construction Briefs [Patent Rule 3(e)(iii)]	112 days after deadline to exchange proposed claim construction terms		
Deadline to Serve Damages Contentions [Patent Rule 2(h)]	109 days after scheduling conference		
Deadline to Serve Responsive Damages Contentions [Patent Rule 2(i)]	139 days after scheduling conference		

Deadline to Complete Damages Contentions Meeting (Patent Rule 2(j))	199 days after scheduling conference		
Fact Discovery Cut-Off [Friday] (no later than deadline for filing dispositive motion)	21 weeks before FPTC		
Expert Disclosure (Initial)	20 weeks before FPTC		
Expert Disclosure (Rebuttal)	18 weeks before FPTC		
Expert Discovery Cut-Off	16 weeks before FPTC		
Last Date to Hear Motions [Friday] <ul style="list-style-type: none"> • Rule 56 Motion due at least 5 weeks before hearing • Opposition due 2 weeks after Motion is filed • Reply due 1 week after Opposition is filed 	12 weeks before FPTC		
Deadline to Complete Settlement Conference [L.R. 16-15] Select one: <input type="checkbox"/> 1. Magistrate Judge (with Court approval) <input type="checkbox"/> 2. Court Mediation Panel <input type="checkbox"/> 3. Private Mediation	5 weeks before FPTC		
Trial Filings (first round) [Friday] <ul style="list-style-type: none"> • Motions <i>in Limine</i> • Memoranda of Contentions of Fact and Law [L.R. 16-4] • Witness Lists [L.R. 16-5] • Joint Exhibit List [L.R. 16-6.1] • Joint Status Report Regarding Settlement • Proposed Findings of Fact and Conclusions of Law [L.R. 52] (bench trial only) • Declarations Containing Direct Testimony, if ordered (bench trial only) 	4 weeks before FPTC		
Trial Filings (second round) [Friday] <ul style="list-style-type: none"> • Oppositions to Motions <i>in Limine</i> • Joint Proposed Final Pretrial Conference Order [L.R. 16-7] • Joint Agreed Upon Proposed Jury Instructions (jury trial only) • Disputed Proposed Jury Instructions (jury trial only) • Joint Proposed Verdict Forms (jury trial only) • Joint Proposed Statement of the Case (jury trial only) • Proposed <i>Voir Dire</i> Questions, if any (jury trial only) • Evidentiary Objections to Declarations of Direct Testimony (bench trial only) 	2 weeks before FPTC		

FOIA ACTION SCHEDULE OF PRETRIAL DATES WORKSHEET

Please complete this worksheet jointly and file it with your Joint Rule 26(f) Report.
The parties must make every effort to agree on dates or the court will set them.

Case No.	Case Name:			
Event <u>Note:</u> Hearings shall be on Fridays at 1:30 p.m. Other dates can be any day of the week.		Time Computation	Pl(s)' Date mm/dd/yyyy	Def(s)' Date mm/dd/yyyy
Last Date to <u>Hear</u> Motion to Amend Pleadings or Add Parties [Friday]		91 days after scheduling conference		
Last Date to <u>Hear</u> Motions [Friday] <ul style="list-style-type: none">• Rule 56 Motion due at least 5 weeks before hearing• Opposition due 2 weeks after Motion is filed• Reply due 1 week after Opposition is filed		10–15 months after scheduling conference		

ERISA ACTION SCHEDULE OF PRETRIAL AND TRIAL DATES WORKSHEET

Please complete this worksheet jointly and file it with your Joint Rule 26(f) Report.
The parties must make every effort to agree on dates or the court will set them.

Case No.	Case Name:		
Trial and Final Pretrial Conference Dates		Pl(s)' Date mm/dd/yyyy	Def(s)' Date mm/dd/yyyy
Bench Trial [Friday at 1:30 p.m. within 10–12 months of Scheduling Conference] Estimated Duration: _____ Days			
Event Note: Hearings shall be on Fridays at 1:30 p.m. Other dates can be any day of the week.	Time Computation	Pl(s)' Date mm/dd/yyyy	Def(s)' Date mm/dd/yyyy
Last Date to <u>Hear</u> Motion to Amend Pleadings or Add Parties [Friday]		91 days after scheduling conference	
Lodge Administrative Record & Plan Documents		63 days after scheduling Conference	
Fact Discovery Cut-Off (if necessary) [Friday] (no later than deadline for filing dispositive motion)		24 weeks before trial	
Last Date to <u>Hear</u> Motions [Friday] <ul style="list-style-type: none"> Rule 56 Motion due at least 5 weeks before hearing Opposition due 2 weeks after Motion is filed Reply due 1 week after Opposition is filed 		16 weeks before trial	
Deadline to Complete Settlement Conference [L.R. 16-15] <u>Select one:</u> <input type="checkbox"/> 1. Magistrate Judge (with Court approval) <input type="checkbox"/> 2. Court Mediation Panel <input type="checkbox"/> 3. Private Mediation		9 weeks before trial	
File & Exchange Opening Trial Briefs		8 weeks before trial	
File & Exchange Responsive Trial Briefs (not to exceed 15 pages)		4 weeks before trial	