

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

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

THOMAS JACOBS ,

NO. 2:10-CV-00913-LKK-EFB

Plaintiff(s),

v.

ORDER SETTING STATUS  
(PRETRIAL SCHEDULING)  
CONFERENCE

CHUCK REED , ET AL. ,

Defendant(s).

\_\_\_\_\_ /  
This action has been assigned to the Honorable LAWRENCE K.  
KARLTON. Pursuant to the provisions of Federal Rule of Civil  
Procedure 16, as amended December 1, 1993, IT IS HEREBY ORDERED  
that:

1. A Status (Pretrial Scheduling) Conference is **SET** for  
June 28, 2010 at 03:30 PM , before Judge Karlton in  
Chambers/Courtroom No. 4.

////  
////  
////

1           2. In order to enable the court to comply with the 120-day  
2 time limit specified in Fed. R. Civ. P. 16(b), plaintiff SHALL  
3 ENDEAVOR TO COMPLETE SERVICE OF PROCESS ON ALL PARTIES WITHIN  
4 FORTY-FIVE (45) DAYS OF THE DATE OF FILING THE COMPLAINT HEREIN.

5           3. Concurrently with the service of process, or as soon thereafter  
6 as possible, **plaintiff shall serve upon each of the parties**  
7 **named in the complaint, and upon all parties subsequently**  
8 **joined, a copy of this order**, and shall file with the clerk a  
9 certificate reflecting such service. Any party who impleads a  
10 third-party defendant shall serve upon that party a copy of this  
11 order, and shall file with the clerk a certificate reflecting such  
12 service.

13           4. In the event that this action was reassigned to Judge  
14 Karlton from another judge, **plaintiff shall serve upon all parties**  
15 **to this action a copy of this order**, and shall file with the clerk  
16 a certificate reflecting such service.

17           5. Any non-governmental corporate party to an action in this  
18 court shall file a statement identifying all its parent  
19 corporations and listing any publicly held company that owns 10%  
20 or more of the party's stock. Defendant shall file the statement  
21 with its initial pleading filed in the court and plaintiff shall  
22 file the statement not later than fourteen (14) days after filing  
23 the complaint. The parties shall supplement the statement within  
24 a reasonable time of any change in the information.

25           6. In the event this action was originally filed in a state  
26 court and thereafter removed to this court, **the removing party or**

1 parties shall, immediately following such removal, serve upon  
2 each of the other parties and upon all parties subsequently  
3 joined, a copy of this order, and shall file with the clerk a  
4 certificate reflecting such service.

5 7. All parties to the action shall appear at the Status  
6 Conference through counsel (**or in person, if acting without**  
7 **counsel**). UNLESS SPECIFICALLY DIRECTED OTHERWISE, COUNSEL LOCATED  
8 OUTSIDE THE COUNTY OF SACRAMENTO MAY APPEAR BY TELEPHONE, PROVIDED  
9 THAT:

10 (a) **THE ACTION DOES NOT INVOLVE A LITIGANT APPEARING IN**  
11 **PROPRIA PERSONA**. IN SUCH CASES, ALL COUNSEL AND LITIGANTS MUST  
12 **PERSONALLY APPEAR**; and

13 (b) COUNSEL STATE IN THEIR TIMELY-FILED STATUS REPORTS  
14 AS REQUIRED BY THIS ORDER THEIR DESIRE TO SO APPEAR, AND THEREIN  
15 PROVIDE THE TELEPHONE NUMBER THEY WILL BE CALLING FROM; AND

16 (c) **PLACE THE CALL TO CHAMBERS THEMSELVES BY CALLING**  
17 **(916) 930-4130, AT EXACTLY THE TIME THE CONFERENCE IS SCHEDULED**  
18 **TO BEGIN**. IF MORE THAN ONE PARTY DESIRES TO APPEAR BY TELEPHONE,  
19 COUNSEL MUST MAKE ARRANGEMENTS AMONG THEMSELVES TO SET UP THE  
20 CONFERENCE CALL AT THE SCHEDULED TIME **WITH ALL PARTICIPANTS ON THE**  
21 **LINE BEFORE CALLING CHAMBERS**. A FAILURE TO PLACE THE TELEPHONE  
22 CALL AT THE APPROPRIATE TIME WILL BE TREATED AS A FAILURE TO APPEAR  
23 AND MAY SUBJECT COUNSEL TO SANCTIONS.

24 8. The parties shall file with the court and serve upon all  
25 other parties, pursuant to Local Rule 134(b) (time of filing),  
26 fourteen (14) days preceding the conference, a Status Report.

1 ANY PARTY FAILING TO FILE A TIMELY STATUS REPORT PURSUANT TO  
2 THIS ORDER MAY BE SUBJECTED TO MONETARY SANCTIONS AND/OR THE  
3 DISMISSAL OF THE COMPLAINT OR STRIKING OF THE ANSWER. The

4 Status Report shall briefly set out the views of the party  
5 making the report on the following matters:

6 (a) Name(s) of the parties counsel represents;

7 (b) A brief summary of the facts alleged in each  
8 complaint and characterization of the legal theories under which  
9 recovery is sought or liability denied. The characterization of  
10 the legal theories does not require legal argument, but only a  
11 description of the legal theory (or theories);

12 (c) Progress in the service of process;

13 (d) Possible joinder of additional parties;

14 (e) Any expected or desired amendment of pleadings;

15 (f) Specifying the statutory basis for jurisdiction and venue;

16 (g) Anticipated motions and the scheduling thereof;

17 (h) Anticipated discovery and the scheduling thereof;

18 In this regard, the parties shall discuss whether deferral of  
19 discovery pursuant to Fed. R. Civ. 26(d) is appropriate, any  
20 order affecting discovery pursuant to Fed R. Civ. P. 26 and 29-37  
21 is desired, and whether a discovery conference under Fed. R. Civ.  
22 P. 26(f) should be held;

23 (i) Future proceedings, including setting appropriate  
24 cut-off dates for discovery, law and motion, and the scheduling of  
25 the pretrial conference and trial;

26 (j) Appropriateness of special procedures such as agreement

1 to try the matter before a magistrate judge pursuant to  
2 28 U.S.C. § 636(c), or reference to a special master, or to the  
3 Judicial Panel on Multidistrict Litigation, or application of the  
4 Manual for Complex Litigation, binding arbitration in Superior  
5 Court;

6 (k) Whether any of the parties has timely demanded a  
7 trial by jury;

8 (l) Estimate of trial time;

9 (m) Modification of standard pretrial procedures  
10 specified by the local rules due to the relative simplicity or  
11 complexity of the action;

12 (n) Whether the case is related to any other case,  
13 including any matters in bankruptcy;

14 (o) Whether counsel will stipulate to the trial judge  
15 acting as settlement judge and waive any disqualification by virtue  
16 thereof, or whether the parties prefer to have a settlement  
17 conference before another judge;

18 (p) The report of the parties concerning use of the  
19 Voluntary Dispute Resolution Program pursuant to Local Rule 271;

20 (q) Any other matters which may be conducive to the  
21 just, efficient, and economical determination of the action.

22 Following the status (Pretrial Scheduling) Conference, the  
23 court will issue a written order regarding the future course of  
24 this litigation.

25 9. Requests for continuance of Status Conferences are not  
26 favored and will not be granted in the absence of a true emergency

1 and, in any event, **will not be entertained unless made in writing**  
2 **at least THREE (3) DAYS prior to the scheduled conference.**

3 10. At the time of filing a motion, opposition, or reply, counsel  
4 are directed to email a copy in word processing format to  
5 **lkk-pleadings@caed.uscourts.gov**. Concurrent with filing any  
6 proposed orders in the court's CM/ECF filing system, counsel are  
7 directed to forward a copy in word processing format to  
8 **lkkorders@caed.uscourts.gov**.

9 11. Counsel are cautioned to refer to Local Rule 230  
10 regarding the requirements for noticing such motions on the court's  
11 regularly scheduled law and motion calendar. This paragraph does  
12 not preclude motions for continuances, temporary restraining orders  
13 or other emergency applications.

14 Unless prior permission has been granted, memoranda of law in  
15 support of and in opposition to motions are limited to thirty (30)  
16 pages, and reply memoranda are limited to fifteen (15) pages. The  
17 parties are also cautioned against filing multiple briefs to  
18 circumvent this rule.

19 12. Counsel are hereby reminded of their continuing duty to  
20 immediately notify the courtroom deputy at (916) 930-4133 and the  
21 Judge's Chambers in writing, of any settlement or other disposition  
22 (Local Rule 160).

23 IT IS SO ORDERED.

24 DATE: April 16, 2010

25 /s/ LAWRENCE K. KARLTON  
LAWRENCE K. KARLTON  
26 SENIOR JUDGE  
UNITED STATES DISTRICT COURT

**NOTICE OF AVAILABILITY OF A MAGISTRATE JUDGE**

**TO EXERCISE JURISDICTION AND APPEAL INSTRUCTIONS**

You are hereby notified in accordance with 28 U.S.C §636(c), F.R.Civ.P.73 and Local Rule 305, the United States Magistrate Judges sitting in Sacramento and Fresno are available to exercise the court's case dispositive jurisdiction and to conduct any or all case despositive proceedings in this action, including motions to dismiss, motions for summary judgment, a jury or nonjury trial, and entry of a final judgment. Exercise of this jurisdiction by a Magistrate Judge is however, permitted only if all parties voluntarily consent. You may, without adverse substantive consequences, withhold your consent, but this will prevent the court's case dispositive jurisdiction from being exercised by a Magistrate Judge.

Any appeal from a judgment entered by a Magistrate Judge is taken directly to the United States Court of Appeals for the Ninth Circuit or, where appropriate, for the Federal Circuit in the same manner as an appeal from any other judgment of a District Court.

Whether or not the parties consent to pursuant to 28 U.S.C. § 636(c) the assigned Magistrate Judge will hear all motions except those case dispositive motions set forth in 28 U.S.C. § 636(b)(1)(A).

A copy of the Form for "Consent to / Decline of Jurisdiction of United States Magistrate Judge" is attached hereto for pro per use and attorney information. This form is available in fillable .pdf format on the court's web site at [www.caed.uscourts.gov](http://www.caed.uscourts.gov) for all attorney ECF filers. This form may be filed through CM/ECF or by pro se litigants at the appropriate Clerk's Office location.

Office of the Clerk  
501 I Street, Room 4-200  
Sacramento, CA 95814

Office of the Clerk  
2500 Tulare Street , Suite 1501  
Fresno, CA 93721

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

**THOMAS JACOBS ,**  
Plaintiff(s)/Petitioner(s),

vs.

CASE NO. **2:10-CV-00913-LKK-EFB**

**CHUCK REED , ET AL. ,**  
Defendant(s)/Respondents(s).

**IMPORTANT**

**IF YOU CHOOSE TO CONSENT OR DECLINE TO CONSENT TO JURISDICTION OF A UNITED STATES MAGISTRATE JUDGE, CHECK AND SIGN THE APPROPRIATE SECTION OF THIS FORM AND RETURN IT TO THE CLERK'S OFFICE.**

**CONSENT TO JURISDICTION OF  
UNITED STATES MAGISTRATE JUDGE**

In accordance with the provisions of Title 28, U.S.C Sec. 636(c)(1), the undersigned hereby voluntarily consents to have a United States Magistrate Judge conduct all further proceedings in this case, including trial and entry of final judgment, with direct review by the Ninth Circuit Court of Appeals, in the event an appeal is filed.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

( ) Plaintiff/Petitioner ( ) Defendant/Respondent

( ) Counsel for \* \_\_\_\_\_

**DECLINE OF JURISDICTION OF  
UNITED STATES MAGISTRATE JUDGE**

Pursuant to Title 28, U.S.C. Sec 636(c)(2), the undersigned acknowledges the availability of a United States Magistrate Judge but hereby declines to consent.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

( ) Plaintiff/Petitioner ( ) Defendant/Respondent

( ) Counsel for \* \_\_\_\_\_

*\*If representing more than one party, counsel must indicate name of each party responding.*

**NOTICE OF AVAILABILITY**  
**VOLUNTARY DISPUTE RESOLUTION**

Pursuant to the findings and directives of Congress in 28 U.S.C. §§ 651 *et seq.*, and in recognition of the economic burdens and delay in the resolution of disputes that can be imposed by full formal litigation, Local Rule 271 governs the referral of certain actions to the Voluntary Dispute Resolution Program ("VDRP") at the election of parties. Plaintiff or removing party is to provide all other parties with copies of the notice at the time service is effected or, for parties already served, no more than fourteen (14) days after receiving notice from the Court. After filing of the original complaint or removal action, any party who causes a new party to be joined in the action shall promptly serve a copy of the notice on the new party.

It is the Court's intention that the VDRP shall allow the participants to take advantage of a wide variety of alternative dispute resolution methods. These methods may include, but are not limited to, mediation, negotiation, early neutral evaluation and settlement facilitation. The specific method or methods employed will be determined by the Neutral and the parties.

**PLEASE TAKE NOTICE** that pursuant to Local Rule 271, *this Local Rule applies to* all civil actions pending before any District Judge or Magistrate Judge in the District except that actions in the following categories are exempt from presumptive inclusion: (i) prisoner petitions and actions, including habeas corpus petitions, (ii) actions in which one of the parties is appearing *pro se*, (iii) voting rights actions, (iv) social security actions, (v) deportation actions, (vi) Freedom of Information Act actions, and (vii) actions involving the constitutionality of federal, state or local statutes or ordinances. The fact that a case falls in a category that is exempt from the presumptive applicability of this Local Rule neither (1) precludes the parties to such a case from agreeing to participate in an Alternative Dispute Resolution ("ADR") process, nor (2) deprives the Court of authority to compel participation in an appropriate ADR proceeding.

Parties may elect Voluntary Dispute Resolution with the Court indicating that all parties to the action agree to submit the action to VDRP pursuant to Local Rule 271. Actions may not be assigned to VDRP over the objection of a party. (Copy of sample stipulation attached hereto.) **At the time of filing, a copy of the stipulation shall be provided to the VDRP Administrator designated below:**

Sacramento Cases

Voluntary Dispute Resolution  
Program Administrator  
United States District Court  
501 "I" Street , Suite 4-200  
Sacramento, CA 95814  
(916) 930-4280

Fresno Cases

Voluntary Dispute Resolution  
Program Administrator  
United States District Court  
2500 Tulare Street , Suite 1501  
Fresno, CA 93721  
(559) 499-5600

Attorney Identification  
(include State Bar number)

Attorney(s) for:

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

**THOMAS JACOBS,**  
Plaintiff(s)

NO. 2:10-CV-00913-LKK-EFB

v.

STIPULATION TO ELECT  
REFERRAL OF ACTION TO VOLUNTARY  
DISPUTE RESOLUTION PROGRAM (VDRP)  
PURSUANT TO LOCAL RULE 271

**CHUCK REED, ET AL.,**  
Defendant(s)

\_\_\_\_\_/

Pursuant to Local Rule 271, the parties hereby agree to submit the above-entitled action to  
the Voluntary Dispute Resolution Program.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Name:  
Attorney(s) for Plaintiff(s)

\_\_\_\_\_  
Name:  
Attorney(s) for Defendant(s)