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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

PLAINTIFF'S NAME, *et al.*,
Plaintiff/s,

v.

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

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

**SCHEDULING AND TRIAL
ORDER FOR ERISA ACTIONS**

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9 **I. SCHEDULE**

10 The Scheduling Order governing this action is set forth in the Schedule of

11 Pretrial and Trial Dates chart below. Pursuant to Local Rule 16-11, the court waives

12 the pretrial requirements of Local Rules 16-2 through 16-10 and will conduct a bench

13 trial upon submission of trial briefs and other admissible evidence. If the parties¹

14 seek to set additional dates, they may file a request or, if they are in agreement, a

15 Stipulation and a Proposed Order.

16 The parties should refer to the court’s Standing Order for requirements

17 regarding specific motions, discovery, certain types of filings, courtesy copies,

18 emailing signature items to chambers, alternative dispute resolution, and other

19 matters pertaining to all cases. A copy of the court’s Standing Order is available at:

20 <http://www.cacd.uscourts.gov/honorable-fernando-l-aenlle-rocha>.

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27 ¹ The term “parties” includes unrepresented parties as well as counsel for

28 represented parties.

DISTRICT JUDGE FERNANDO L. AENLLE-ROCHA
SCHEDULE OF PRETRIAL AND TRIAL DATES

Trial Date	Court Order
Bench Trial	_____ at 1:30 p.m. Est. 1 Day
Event <u>Note:</u> Hearings shall be on Fridays at 1:30 p.m.	Court Order
Last Date to <u>Hear</u> Motion to Amend Pleadings or Add Parties [Friday]	
Lodge Administrative Record & Plan Documents	[~60 days out]
Fact Discovery Cut-Off [Friday]	
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 	
Deadline to Complete Settlement Conference [L.R. 16-15]	<input type="checkbox"/> 1. Magistrate Judge <input checked="" type="checkbox"/> 2. Court Mediation Panel <input type="checkbox"/> 3. Private Mediation
File & Exchange Opening Trial Briefs	
File & Exchange Responsive Trial Briefs (not to exceed 15 pages)	

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1 **A. Deadlines for Motions**

2 All motions must be noticed to be heard on or before their respective
3 deadlines. All unserved parties will be dismissed at trial.

4 **B. Discovery Cut-Off and Discovery Disputes**

5 1. Discovery Cut-off: The cut-off date for discovery is not the date
6 by which discovery requests must be served; it is the date by which all discovery,
7 including all hearings on any related motions, must be completed. Thus, written
8 discovery must be served and depositions must begin sufficiently in advance of the
9 discovery cut-off date to permit the propounding party enough time to challenge
10 responses deemed to be deficient via motion practice. Given the requirements to
11 meet and confer and to give notice, a planned motion to compel must ordinarily be
12 discussed with the opposing party at least six (6) weeks before the cut-off.

13 2. Expert Discovery: All expert disclosures must be made in writing.
14 The parties should begin expert discovery shortly after the initial designation of
15 experts. The trial date will not be continued merely because expert discovery is not
16 completed. Failure to comply with these or any other orders concerning expert
17 discovery may result in the expert being excluded as a witness.

18 3. Discovery Disputes: The parties must make every effort to resolve
19 discovery disputes in a courteous, reasonable, and professional manner. Counsel
20 must adhere to the court’s Civility and Professionalism Guidelines at:

21 [http://www.cacd.uscourts.gov/attorneys/admissions/civility-and-professionalism-](http://www.cacd.uscourts.gov/attorneys/admissions/civility-and-professionalism-guidelines)
22 [guidelines.](http://www.cacd.uscourts.gov/attorneys/admissions/civility-and-professionalism-guidelines)

23 4. Discovery Motions: Discovery motions are handled by the
24 Magistrate Judge assigned to the case. Any motion challenging the adequacy of
25 discovery responses must be filed, served, and calendared sufficiently in advance of
26 the discovery cut-off date to permit the responses to be obtained before that date if
27 the motion is granted.

28 ///

1 **C. Law and Motion and Local Rule 7-3**

2 The parties are required under Local Rule 7-3 to meet and confer to attempt to
3 resolve disputes before filing a motion. In addition, this court requires the parties to
4 meet and confer regarding any other request for relief except those identified as
5 exempt in Local Rules 7-3 and 16-12.

6 The parties should review the court’s Standing Order for instructions regarding
7 motions to dismiss, motions to amend, motions for summary judgment, and other
8 forms of relief.

9 **D. Settlement Conference/Alternative Dispute Resolution Procedures**

10 Pursuant to Local Rule 16-15, the parties must participate in a Settlement
11 Conference or Alternative Dispute Resolution (“ADR”) procedure. The Scheduling
12 Order indicates the procedure the parties shall use. If the parties prefer an ADR
13 procedure other than the one ordered by the court, they shall file a Stipulation and
14 Proposed Order. The parties’ request may not necessarily be granted. No case will
15 proceed to trial unless all parties, including the principals of all corporate parties,
16 have appeared personally at a settlement conference. In the event the settlement
17 conference is before a Magistrate Judge, the latter shall determine the form, manner,
18 and content of the conference.

19 The parties shall file a Joint Status Report regarding the outcome of settlement
20 negotiations, the likelihood of possible further negotiations, and any assistance the
21 court may provide concerning settlement negotiations within seven (7) days after the
22 settlement conference. The Status Report shall not disclose the parties’ settlement
23 positions, i.e., the terms of any offers or demands. If the parties were unable to reach
24 a settlement, the Status Report shall describe the efforts made by the parties to
25 resolve the dispute informally, i.e., the occasions and dates when the parties
26 participated in mediation or settlement conferences. The Status Report shall also
27 include the name of the mediator who assisted the parties with their settlement
28 conference.

E. Advance Notice of Unusual or Difficult Issues

If any party anticipates that a difficult question of law or evidence will necessitate legal argument requiring research or briefing, that party must give the court advance notice. The parties must notify the Courtroom Deputy Clerk immediately of any unexpected legal issue that could not have been foreseen and addressed in advance.

F. Continuances of Trial Date

Requests for continuances of the trial date must be by motion, stipulation, or application, and be accompanied by a detailed declaration setting forth the reasons for the requested relief. The declaration should include whether any previous requests for continuances have been made and whether these requests were granted or denied by the court. Stipulations extending dates set by the court are not effective unless approved by the court.

The court has a strong interest in keeping scheduled dates certain, and changes in dates are disfavored. Trial dates set by the court will not readily be changed. Therefore, a request or stipulation to continue a trial date must be supported by a detailed factual showing of good cause and due diligence demonstrating the necessity for the continuance and a description of the parties' efforts, dating back to the filing of the complaint, of the steps they have taken to advance the litigation. This detailed showing must demonstrate that the work still to be performed reasonably could not have been accomplished within the applicable deadlines. General statements are insufficient to establish good cause. Without such compelling factual support and showing of due diligence, requests to continue dates set by the court may be denied.

IT IS SO ORDERED.

Dated:

FERNANDO L. AENLLE-ROCHA
United States District Judge