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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

RUSSELL FOUTS, et al.,
Plaintiffs,
v.
XAVIER BECERRA,
Defendant.

Case No.: 19-cv-01662-BEN-JLB

ORDER:

- (1) GRANTING JOINT MOTION TO AMEND SCHEDULING ORDER;**
- AND**
- (2) ISSUING AMENDED SCHEDULING ORDER**

[ECF Nos. 35; 37]

Before the Court is the parties’ Joint Motion to Amend Scheduling Order. (ECF No. 37.) In their motion, the parties request to continue the Pretrial Conference and related pretrial deadlines by approximately three months to accommodate the Court’s ruling on the pending cross-motions for summary judgment. (*Id.* at 2.) For good cause shown, the parties’ joint motion is **GRANTED**, and the operative Scheduling Order (ECF No. 35) is amended as follows:

1. For bench trials before the Honorable Roger T. Benitez, counsel shall file their Memoranda of Contentions of Fact and Law and take any other action required by Civil Local Rule 16.1(f)(2) by **September 20, 2021**.

1 2. Counsel shall comply with the pretrial disclosure requirements of Federal
2 Rule of Civil Procedure 26(a)(3) by **September 20, 2021**. Failure to comply with these
3 disclosure requirements could result in evidence preclusion or other sanctions under
4 Federal Rule of Civil Procedure 37.

5 3. Counsel shall meet and take the action required by Civil Local Rule 16.1(f)(4)
6 by **September 27, 2021**. At this meeting, counsel shall discuss and attempt to enter into
7 stipulations and agreements resulting in simplification of the triable issues. Counsel shall
8 exchange copies and/or display all exhibits other than those to be used for impeachment.
9 The exhibits shall be prepared in accordance with Civil Local Rule 16.1(f)(4)(c). Counsel
10 shall note any objections they have to any other parties' Pretrial Disclosures under Federal
11 Rule of Civil Procedure 26(a)(3). Counsel shall cooperate in the preparation of the
12 proposed pretrial conference order.

13 4. Counsel for plaintiff will be responsible for preparing the pretrial order and
14 arranging the meetings of counsel pursuant to Civil Local Rule 16.1(f). By
15 **October 4, 2021**, plaintiff's counsel must provide opposing counsel with the proposed
16 pretrial order for review and approval. Opposing counsel must communicate promptly
17 with plaintiff's attorney concerning any objections to form or content of the pretrial order,
18 and both parties shall attempt promptly to resolve their differences, if any, concerning the
19 order.

20 5. The Proposed Final Pretrial Conference Order, including objections to any
21 other parties' Federal Rule of Civil Procedure 26(a)(3) Pretrial Disclosures shall be
22 prepared, served, and lodged with the assigned district judge by **October 12, 2021**, and
23 shall be in the form prescribed in and comply with Civil Local Rule 16.1(f)(6).

24 6. The final Pretrial Conference is scheduled on the calendar of the **Honorable**
25 **Roger T. Benitez** on **October 18, 2021**, at **10:30 AM**.

26 7. The parties must review the chambers' rules for the assigned district judge
27 and magistrate judge.

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1 8. A post-trial settlement conference before a magistrate judge may be held
2 within 30 days of verdict in the case.


3 9. The dates and times set forth herein will not be modified except for good cause
4 shown.

5 10. Briefs or memoranda in support of or in opposition to any pending motion
6 shall not exceed twenty-five (25) pages in length without leave of a district court judge.
7 No reply memorandum shall exceed ten (10) pages without leave of a district court judge.
8 Briefs and memoranda exceeding ten (10) pages in length shall have a table of contents
9 and a table of authorities cited.

10 11. Plaintiff's counsel shall serve a copy of this Order on all parties that enter this
11 case hereafter.

12 **IT IS SO ORDERED.**

13 Dated: June 14, 2021

14 
15 Hon. Jill L. Burkhardt
16 United States Magistrate Judge
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