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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

KNIFE RIGHTS, INC., et al., Plaintiffs, v. CALIFORNIA ATTORNEY GENERAL ROB BONTA, et al., Defendants.
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Case No.: 23-cv-474-JES-DDL

**SCHEDULING ORDER
REGULATING DISCOVERY
AND OTHER PRE-TRIAL
PROCEEDINGS**

Pursuant to Rule 16.1(d) of the Local Rules, a Case Management Conference was held on **August 7, 2023**. After consulting with the attorneys of record for the parties and being advised of the status of the case, and good cause appearing, **IT IS HEREBY ORDERED:**

1. Any motion to join other parties, to amend the pleadings, or to file additional pleadings shall be filed by **September 7, 2023**.

2. Counsel shall appear for a Status Conference before the Honorable David D. Leshner on **September 27, 2023** at **9:30 a.m.** The Status Conference will be held by videoconference. Instructions for appearances will be posted to the docket by separate notice.

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1 3. All fact discovery shall be completed by all parties by **October 30, 2023**.
2 **Counsel shall promptly and in good faith meet and confer with regard to all discovery**
3 **disputes in compliance with Civil Local Rule 26.1(a)**. The Court expects counsel to
4 make every effort to resolve all disputes without court intervention through the meet and
5 confer process. If the parties reach an impasse on any discovery issue, counsel shall follow
6 the procedures outlined in the undersigned magistrate judge's chambers rules, within the
7 time limits specified therein. **A failure to comply in this regard will result in a waiver**
8 **of a party's discovery issue. Absent an order of the court, no stipulation continuing**
9 **or altering this requirement will be recognized by the court.**

10 4. The following discovery limitations shall apply in this case: Each side may
11 take a total of **10 depositions**. Each side may propound up to **25 interrogatories, 25**
12 **requests for production, and 25 requests for admission** to each other side. No party may
13 exceed these discovery limitations without prior leave of Court, which will only be granted
14 on a showing of good cause. For purposes of this paragraph, Plaintiffs Knife Rights, Inc.,
15 Eliot Kaagan, Jim Miller, Garrison Ham, North County Shooting Center, Inc., and PWGG
16 L.P., collectively, shall be considered a single side, and Defendants Summer Stephan and
17 Kelly Martinez, collectively, shall be considered a single side.

18 5. The parties shall make the disclosures required by Federal Rule of Civil
19 Procedure 26(a)(2)(A)-(C) by **November 21, 2023**. Supplemental and rebuttal expert
20 disclosures under Federal Rules of Civil Procedure 26(a)(2)(D) and 26(e) must be
21 exchanged by **December 20, 2023**. **Except as provided in the paragraph below, any**
22 **party that fails to make these disclosures shall not, absent substantial justification, be**
23 **permitted to use evidence or testimony not disclosed at any hearing or at the time of**
24 **trial. In addition, the Court may impose sanctions as permitted by Federal Rule of**
25 **Civil Procedure 37(c).**

26 6. All expert discovery shall be completed by all parties by **February 2, 2024**.
27 The parties shall comply with the same procedures set forth in the paragraph governing
28 fact discovery. Failure to comply with this section or any other discovery order of the court

1 may result in the sanctions provided for in Federal Rule of Civil Procedure 37, including a
2 prohibition on the introduction of experts or other designated matters in evidence.

3 7. All other pretrial motions must be filed by **March 1, 2024**. Counsel for the
4 moving party must obtain a motion hearing date from the law clerk of the judge who will
5 hear the motion. The period of time between the date you request a motion date and the
6 hearing date may vary from one district judge to another. Please plan accordingly. Failure
7 to make a timely request for a motion date may result in the motion not being heard.
8 Deadlines for filing motions in limine will be set by the district judge at the final Pretrial
9 Conference.

10 8. When filing a Motion for Summary Judgment and/or Adjudication, the parties
11 need not file a separate statement of material facts absent prior leave of court.

12 9. A Mandatory Settlement Conference shall be conducted on **November 6,**
13 **2023** at **1:30 p.m.** before **Magistrate Judge David D. Leshner**. All parties are ordered to
14 read and to fully comply with the undersigned's Mandatory Settlement Conference
15 Procedures, which are available on the Court's website.

16 10. Counsel do not need to file Memoranda of Contentions of Fact and Law if the
17 trial will be a jury trial.

18 11. Counsel shall comply with the pre-trial disclosure requirements of Federal
19 Rule of Civil Procedure 26(a)(3) by **June 5, 2024**. Failure to comply with these disclosure
20 requirements could result in evidence preclusion or other sanctions under Federal Rule of
21 Civil Procedure 37.

22 12. Counsel shall meet and take the action required by Civil Local Rule 16.1(f)(4)
23 by **June 12, 2024**. At this meeting, counsel shall discuss and attempt to enter into
24 stipulations and agreements resulting in simplification of the triable issues. Counsel shall
25 exchange copies and/or display all exhibits other than those to be used for impeachment.
26 The exhibits shall be prepared in accordance with Civil Local Rule 16.1(f)(4)(c). Counsel
27 shall note any objections they have to any other parties' Pretrial Disclosures under Federal
28 Rule of Civil Procedure 26(a)(3). Counsel shall cooperate in the preparation of the

1 proposed pretrial conference order.

2 13. Counsel for plaintiff will be responsible for preparing the pretrial order and
3 arranging the meetings of counsel pursuant to Civil Local Rule 16.1(f). By **June 19, 2024**,
4 plaintiff’s counsel must provide opposing counsel with the proposed pretrial order for
5 review and approval. Opposing counsel must communicate promptly with plaintiff’s
6 attorney concerning any objections to form or content of the pretrial order, and both parties
7 shall attempt promptly to resolve their differences, if any, concerning the order.

8 14. The Proposed Final Pretrial Conference Order, including objections to any
9 other parties’ Federal Rule of Civil Procedure 26(a)(3) Pretrial Disclosures shall be
10 prepared, served and lodged with the assigned district judge by **June 26, 2024**, and shall
11 be in the form prescribed in and comply with Civil Local Rule 16.1(f)(6).

12 15. The final Pretrial Conference is scheduled on the calendar of the **Honorable**
13 **James E. Simmons, Jr.** on **July 3, 2024** at **1:30 p.m.**

14 16. The parties must review the chambers’ rules for the assigned district judge
15 and magistrate judge.

16 17. A post trial settlement conference before a magistrate judge may be held
17 within 30 days of verdict in the case.

18 18. The dates and times set forth herein will not be modified except for good cause
19 shown.

20 19. Briefs or memoranda in support of or in opposition to any pending motion
21 shall not exceed twenty-five (25) pages in length without leave of a district court judge.
22 No reply memorandum shall exceed ten (10) pages without leave of a district court judge.
23 Briefs and memoranda exceeding ten (10) pages in length shall have a table of contents
24 and a table of authorities cited.

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1 20. Plaintiffs' counsel shall serve a copy of this Scheduling Order on all parties
2 that enter this case hereafter.

3 **IT IS SO ORDERED.**

4 Dated: August 8, 2023



Hon. David D. Leshner
United States Magistrate Judge

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