

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Jones v. City of Vallejo

Jones · No. 2:24-cv-01199-CSK · Decided April 10, 2025

OPINION

Jones v. City of Vallejo

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 BRYSON JONES, Case No. 2:24-cv-01199-CSK 12 Plaintiff, PRETRIAL SCHEDULING
ORDER AND

ORDER DISMISSING DOE DEFENDANTS

13 v. 14 CITY OF VALLEJO, et al., 15 Defendants. 16

17 READ THIS ORDER CAREFULLY. IT CONTAINS IMPORTANT DATES THAT

18 THE COURT WILL STRICTLY ENFORCE AND WITH WHICH ALL COUNSEL AND

19 PARTIES, INCLUDING THOSE PROCEEDING WITHOUT COUNSEL, MUST COMPLY.

20 FAILURE TO COMPLY WITH THE TERMS OF THIS ORDER MAY RESULT IN THE

21 IMPOSITION OF MONETARY AND ALL OTHER APPROPRIATE SANCTIONS. 22 On

April 8, 2025, the Court conducted a status (initial pretrial scheduling) 23 conference in this

matter.¹ At the scheduling conference, attorney James Cook 24 appeared on behalf of Plaintiff,

and attorney Katelyn M. Knight appeared on behalf of 25 Defendants. After considering the

parties' joint status reports (ECF Nos. 19, 22), and the 26 scheduling conference held, the Court

issues the following pretrial scheduling order. 27 1 This matter proceeds before the undersigned

pursuant to 28 U.S.C. § 636(c) on the 28 consent of all parties. (ECF Nos. 6, 8, 9.)

1 I. NATURE OF THE CASE

2 From the parties' 02/19/2025 Joint Status Report (ECF 19 at 1): 3 This case arises from a non-

fatal officer-involved shooting incident on August 19, 4 2019. Plaintiff alleges that Officer

Komoda utilized excessive force and asserts the 5 following causes of action: Fourth Amendment

Excessive Force (42 U.S.C. § 1983), 6 Monell (42 U.S.C. § 1983), Bane Act (Cal. Civil Code §

52.1), Assault and Battery, 7 Negligence, and Intentional Infliction of Emotional Distress.

Defendants dispute Plaintiff's 8 allegations and dispute liability on all theories.

9 II. SERVICE OF PROCESS, JOINDER OF PARTIES, PLEADINGS AMENDMENT

10 All named Defendants have been served and have answered the First Amended 11 Complaint.

(ECF Nos.19 at 2; 22 at 1.) No further service, joinder of parties, or 12 amendments to pleadings

is permitted except with leave of Court, and only after good cause is shown. 14 The Court notes 50 Doe Defendants are named in the First Amended Complaint. 15 (See ECF No. 7 ¶ 7.) The inclusion of such “Doe” defendants is generally disfavored in 16 the Ninth Circuit. *Soo Park v. Thompson*, 851 F.3d 910, 928 n.21 (9th Cir. 2017) (citing 17 *Gillespie v. Civiletti*, 629 F.2d 637, 642 (9th Cir. 1980)). In addition, the parties’ 18 03/26/2025 Joint Status Report indicates that “[a]ll named defendants have been served 19 and no joinder of additional parties is anticipated at this time. Plaintiff anticipates 20 amending the [First Amended] Complaint to substitute any additional defendants 21 currently identified as Doe defendants and dismissing the remaining Doe defendants no 22 later than June 30, 2025.” (ECF No. 22 at 1.) The Doe Defendants are hereby 23 DISMISSED from this case, and should Plaintiff wish to amend to add additional named 24 defendants after discovering their identities, Plaintiff may file a motion to amend and 25 submit this motion for the Court’s review. No further service, joinder of parties, or 26 amendments to pleadings is permitted except with leave of Court, and only after good 27 cause is shown. 28 / / /

1 III. JURISDICTION/VENUE

2 The parties assert that the Court has federal question jurisdiction (ECF No. 19 at 3 2), which is found to be proper. Venue is proper and undisputed. (Id.)

4 IV. DISCOVERY DEADLINES AND PROCEDURES FOR DISCOVERY DISPUTES

5 A. Initial Disclosures 6 The parties agreed to exchange Rule 26 Initial Disclosures on or before March 4, 7 2025 by agreement. (ECF No. 19 at 2.) At the scheduling conference, the parties 8 confirmed initial disclosures were exchanged. 9 B. Joint Mid-Discovery and Mediation Status Statement 10 By September 8, 2025 all parties shall file with the Court a Joint Mid-Discovery 11 and Mediation Status Statement summarizing the current status of discovery and 12 mediation efforts. This statement shall include discovery completed to date and 13 identification of issues, if any, preventing discovery from proceeding in a timely manner. 14 The filing of this statement shall not relieve the parties or counsel of their obligations to 15 meet and confer, comply with the deadlines set by the Court, and comply with the 16 discovery procedures set by the Court. 17 C. Non-Expert Discovery 18 All non-expert discovery shall be completed by February 20, 2026. “Completed” 19 means (1) all non-expert discovery shall have been conducted, including written 20 discovery and depositions taken, and (2) any disputes related to discovery shall have 21 been resolved by appropriate order if necessary and, where discovery has been 22 ordered, the order has been complied with. Any discovery-related motions must conform 23 to the requirements of the Federal Rules of Civil Procedure, this Court’s Local Rules, 24 including Local Rule 251, and Judge Kim’s Civil Standing Orders. 25 2 The Local Rules of the United States District Court for the Eastern District of California 26 are available on the district court’s website: <https://www.caed.uscourts.gov/caednew/index.cfm/rules/local-rules/>. 27 3 Judge Kim’s Civil Standing Orders are available on Judge Kim’s webpage on the 28 district court’s website: <https://www.caed.uscourts.gov/caednew/index.cfm/judges/all-> 1 motions on Tuesdays at 10:00 a.m. 2 D. Expert Discovery 3 The parties shall disclose any expert witnesses in accordance with

Federal Rule 4 of Civil Procedure 26(a)(2) no later than March 27, 2026. Any rebuttal expert disclosures shall be made in accordance with Fed. R. Civ. P. 26(a)(2) no later than April 24, 2026. Expert disclosures shall be served upon all parties. All expert discovery shall be completed by June 12, 2026. "Completed" means (1) all expert discovery shall have been conducted, including depositions taken, and (2) any disputes related to expert discovery shall have been resolved by appropriate court order if necessary and, where discovery has been ordered, the order has been complied with. The same procedures for discovery disputes applies to non-expert and expert discovery. An expert witness not timely disclosed will not be permitted to testify unless the party offering the expert witness demonstrates that the failure was substantially justified or is harmless. See Fed. R. Civ. P. 37(c). Upon discovery of any such expert witness, the party offering the late disclosed expert witness must promptly notify all parties in writing, promptly make the expert witness available for deposition, and promptly notify the Court in a written filing. This filing must include the case deadlines for expert disclosures, expert discovery cut-off, dispositive motions, final pretrial conference, and trial. Failure to timely provide the information required by Fed. R. Civ. P. 26(a)(2) may lead to preclusion of the expert's testimony or other appropriate sanctions. See Fed. R. Civ. P. 37(c). E. Discovery Disputes Prior to filing any discovery-related motions, the parties are required to meet and confer in good faith in an attempt to resolve their discovery disputes informally and without Court intervention. Such meet and confer shall take place in person, by telephone, or by video. The mere exchange of letters or e-mails alone is not sufficient. [judges/united-states-magistrate-judge-chi-soo-kim-csk/](#). 1 As part of their joint statement related to a discovery motion submitted pursuant to Local

Rule 251, the parties shall also specifically outline: (a) what meet-and-confer efforts were taken, including when and where such discussions took place, who participated, how the parties' disputes were narrowed as a result of such discussions; and (b) a summary of discovery completed to date. Failure to comply with these requirements may result in summary denial of any discovery motion. The Court strongly encourages the use of informal telephonic discovery conferences with the Court in lieu of formal discovery motion practice. The procedures and conditions for requesting and conducting such an informal telephonic discovery conference are set forth in Judge Kim's Civil Standing Orders. In addition, and subject to availability, the Court will rule on disputes encountered during oral depositions. If a dispute arises during the deposition, the parties may contact Judge Kim's Courtroom Deputy at (916) 930-4187 to inquire regarding Judge Kim's availability. However, the parties are cautioned that these informal procedures are not to be abused, and the Court may impose appropriate sanctions.

16 V. MOTIONS

17 All pretrial law and motion, including motions for summary judgment under Fed. R. Civ. P. 56, shall be filed by September 1, 2026 and heard by October 6, 2026. 19 Dispositive motions must be filed following the procedures of Local Rules 230 and 260, and Judge Kim's Civil

Standing Orders. Counsel and parties proceeding without 21 counsel should pay particular attention to the rules for Statements of Undisputed Facts 22 for motions for summary judgment, cross motions for summary judgment, and general 23 brief requirements in the Local Rules and Judge Kim's Civil Standing Orders. If both 24 Plaintiff and Defendants intend to file motions for summary judgment, the parties must 25 follow the schedule and requirements set out in Judge Kim's Civil Standing Orders for 26 4 Pursuant to Local Rule 230(b), a motion set for hearing on October 6, 2026 must be 27 filed by September 1, 2026, which is 35 days before the hearing date. Please note that Judge Kim has a separate schedule for cross motions for summary judgment, which is 28 set out in her Civil Standing Orders. 1 cross motions for summary judgment.5 Judge Kim generally hears civil motions on

2 Tuesdays at 10:00 a.m. This paragraph does not apply to motions for continuances,

3 motions in limine related to trial, temporary restraining orders, or other emergency 4 applications, for which the Court may set a special briefing schedule, if necessary or 5 appropriate. 6 All purely legal issues are to be resolved by timely pretrial motion. The purpose of 7 law and motion is to narrow and refine the legal issues raised by the case, as well as to 8 dispose of those issues that can be resolved by pretrial motion. Motions in limine should 9 address trial-related issues, such as the admissibility of evidence. The Court will look 10 with disfavor upon dispositive motions or other substantive legal motions presented as 11 motions in limine at the time of trial.

12 VI. SETTLEMENT CONFERENCE

13 The parties have scheduled a settlement conference before Magistrate Judge 14 Carolyn Delaney for May 9, 2025. (ECF Nos. 21; 22 at 2.)

15 VII. FINAL PRETRIAL CONFERENCE AND TRIAL

16 The final pretrial conference is set for February 8, 2027 at 10:00 a.m. and trial is 17 set for March 15, 2027 at 9:30 a.m. in Courtroom No. 25 before United States 18 Magistrate Judge Chi Soo Kim. Trial counsel must appear at the final pretrial conference. 19 At the final pretrial conference, the Court will set the deadlines for other trial-related 20 deadlines, including the submission of exhibits. 21 A. Meet and Confer 22 At least 28 days before the final Pretrial Conference, lead counsel who will try the 23 case shall meet and confer with respect to the following subjects: (1) settlement of the 24 case; (2) preparation of the joint pretrial filings; and (3) clarifying and narrowing the 25 contested issues for trial. Counsel in close geographical proximity are encouraged to 26 27 5 Pursuant to Judge Kim's Civil Standing Orders, if both Plaintiff and Defendants intend to file motions for summary judgment, Plaintiff's opening summary judgment motion must 28 be filed by August 18, 2026. 1 meet in person. 2 B. Joint Pretrial Statement 3 The parties shall file a joint pretrial statement pursuant to Local Rule 281(a) (2). 4 The joint pretrial statement must be filed no later than twenty-one (21) days before the 5 date set for the final pretrial conference and must also be emailed as a Word document 6 to CSKorders@caed.uscourts.gov. Separate pretrial statements are not permitted 7 unless a party is

not represented by counsel. 8 The pretrial statement must cover all topics identified in Local Rule 281 with the 9 following additions and clarifications: 10 1. Statement of the Case: A concise, joint statement of the case must be 11 included. 12 2. Trial Length Estimate: An estimate of the length of trial must also be 13 included. Unless otherwise ordered, trial hours will be from 9:30 a.m. to 14 4:30 p.m., Monday through Friday. 15 3. Procedural Status: A concise summary of the procedural status of the 16 case must be included, including the disposition of any motions and 17 whether any motions are still pending. 18 4. Factual Issues: The undisputed facts and disputed factual issues shall be 19 set forth in separate sections of the pretrial statement. Each fact or factual 20 issue should be numbered. For disputed factual issues, identify the cause 21 of action or defense to which the factual issue is related. 22 5. Points of Law: In the points of law section of the pretrial statement, include 23 the elements for each cause of action and each defense, with citation to 24 the relevant legal authority. 25 6. Motions In Limine: The parties shall also identify the motions in limine 26 each party reasonably anticipates filing. 27 7. Witness Lists: Each party's witness list must be submitted as a separate 28 attachment to the pretrial statement, and labeled as such. The witness list 1 must include the witness's name; the witness's title or position; whether the 2 testimony is offered in-person or by deposition; whether the witness is 3 designated as an expert; and a concise statement of the anticipated 4 subjects of testimony. Pursuant to Local Rule 281, only individuals on the 5 witness list submitted with the pretrial statement will be permitted to testify 6 at trial, except as may be otherwise provided in the pretrial order. The 7 witness's address does not need to be included. 8 8. Exhibit Lists: Each party's exhibit list must be submitted as a separate 9 attachment to the pretrial statement, and labeled as such. Plaintiff's 10 exhibits shall be listed numerically; Defendant's exhibits shall be listed 11 alphabetically. All exhibits must be individually identified with specificity, 12 including a reasonable amount of detail such that other parties can identify 13 each exhibit, including exhibit name/title, document/file date, bates 14 numbers, and a concise description of the exhibit. Groups or categories of 15 documents/records may not be listed as a single exhibit (e.g., it is improper 16 to list "Initial Disclosure Documents," "Cell phone records," etc. as a single 17 exhibit). Pursuant to Local Rule 281, only exhibits on the exhibit list 18 submitted with the pretrial statement will be permitted to be offered at trial, 19 except as may be otherwise provided in the pretrial order. The parties are 20 instructed to refer to and follow the Court's Jury Trial Procedures available 21 on Judge Kim's webpage on the district court's website: 22 <https://www.caed.uscourts.gov/caednew/index.cfm/judges/all-judges/united-states-magistrate-judge-chi-soo-kim-csk/>. This document 24 includes important instructions and requirements for exhibit lists. 25 9. Further Discovery or Motions: Inclusion of a section regarding further 26 discovery or motions in the pretrial statement pursuant to Local Rule 27 218(b)(13) will not be interpreted as a motion to request further discovery, 28 a request to modify the scheduling order or any other order issued for this 1 case, or as an actual motion or request. The parties must continue to follow 2 the scheduling order(s) for this case, the Local Rules, and the Court's 3 standing orders

to request further discovery or a modification of the 4 scheduling order(s). 5 C. Motions In Limine 6 Motions in limine shall be filed by the close of business fourteen (14) days before 7 the date set for the final pretrial conference. Any opposition shall be filed by the close of 8 business seven (7) days before the date set for the final pretrial conference. No replies 9 shall be filed. 10 Briefing for motions in limine shall be limited to 25 pages total for each side. Each 11 motion in limine should be numbered and clearly identified. For example, "Plaintiffs' 12 Motion in Limine No. 1 Re: [subject]." The brief shall include a table of contents at the 13 beginning that lists each motion in limine and the page number on which the motion 14 begins. 15 Briefing for oppositions/ responses to motions in limine shall also be limited to 25 16 pages total for each side. Each opposition/ response should be numbered and clearly 17 identified. For example, "Defendants' Opposition to Plaintiffs' Motion in Limine No. 1 Re: 18 [subject]." The brief shall also include a table of contents at the beginning that lists each 19 motion in limine opposition/ response and the page number on which the opposition/ 20 response begins. 21 The parties should be prepared to argue their motions in limine at the final pretrial 22 conference. The Court will endeavor to rule on motions in limine before trial begins to 23 assist the parties in their trial preparations. 24 D. Proposed Voir Dire, Jury Instructions, and Verdict Forms 25 The parties must file proposed voir dire questions, proposed joint jury instructions, 26 and proposed joint verdict forms by the close of business fourteen (14) days before the 27 date set for the final pretrial conference. The parties must also email these filings as 28 Word documents to CSKorders@caed.uscourts.gov. The parties should be prepared to 1 address the proposed voir dire questions, jury instructions, and verdict forms at the final 2 pretrial conference. The parties are instructed to refer to and follow the Court's Jury 3 Trial Procedures available on Judge Kim's webpage on the district court's website: 4 <https://www.caed.uscourts.gov/caednew/index.cfm/judges/all-judges/united-states-magistrate-judge-chi-soo-kim-csk/>. This document includes important instructions and 6 requirements for the submission of joint proposed joint jury instructions. 7 *Proposed voir dire questions, jury instructions, and verdict forms should not be 8 submitted in cases tried to the bench. 9 E. Trial Briefs 10 Parties are not required to file trial briefs. If a party chooses to file a trial brief, it 11 shall not be longer than five pages and shall be filed no later than by the close of 12 business fourteen (14) days before the date set for the final pretrial conference. Trial 13 briefs shall not duplicate the contents of the joint pretrial statement and proposed order. 14 F. Courtesy Copies 15 Two binders containing courtesy copies of the Joint Pretrial Statement, witness 16 lists, exhibit lists, proposed voir dire questions, proposed joint jury instructions, proposed 17 joint verdict forms, motions in limine, and optional trial briefs must be delivered to the 18 Clerk's office by noon thirteen (13) days before the date set for the final pretrial 19 conference. This is the day after the filing deadline for the proposed voir dire questions, 20 proposed jury instructions, proposed verdict forms, motions in limine, and optional trial 21 briefs. Parties should coordinate so that only two courtesy copies are submitted, rather 22 than submitting separate courtesy copies from each party. Parties do not need to provide 23 courtesy copies of the motion in limine oppositions.

24 All courtesy copies must be double-sided, three-hole punched at the left margin, 25 and marked with the ECF stamp (case number, document number, date, and page 26 number) on the top of each page. These binders shall include labeled side tabs, and be 27 clearly marked “Chambers Copy – Do Not File” with Judge Kim’s name, the case 28 number, and the case name. 1 G. Trial 2 A jury trial is set for March 15, 2027 at 9:30 a.m., in Courtroom No. 25. The 3 parties estimate five (5) days for trial. (ECF No. 22 at 1.)

4 VIII. SCHEDULE SUMMARY

5 Event Deadline 6 Initial Disclosure Exchange March 4, 2025 7 Joint Mid-Discovery and Mediation September 8, 2025 Status Report 8 Non-Expert Discovery Completion February 20, 2026 9 Expert Disclosures March 27, 2026 10 Rebuttal Expert Disclosures April 24, 2026 11 12 Expert Discovery Completion June 12, 2026 13 If cross-motions for summary August 18, 2026 judgment, 14 Plaintiff’s Summary 14 Judgment Motion Filed By 15 If no cross-motions for summary September 1, 2026 judgment, Dispositive Motion Filed By 16 Dispositive Motions Heard By October 6, 2026 17 Joint Pretrial Statement Filed By 21 days before the FPTC 18 Motions In Limine & Other Pretrial 14 days before the FPTC 19 Documents Filed By 20 Final Pretrial Conference (“FPTC”) February 8, 2027 and Motions In Limine Hearing 21 Jury Trial (5 days) March 15, 2027 22

IX. MODIFICATIONS OF THIS SCHEDULING ORDER

23 This case schedule will become final without further order of the Court unless 24 written objections are filed within fourteen (14) days of the entry of this order. The parties 25 are reminded that pursuant to Federal Rule of Civil Procedure 16(b)(4), this order shall 26 27 6 If both Plaintiff and Defendants intend to file motions for summary judgment, the parties must follow the schedule set out in Judge Kim’s Civil Standing Orders for cross- 28 motions for summary judgment. 1 || not be modified except by leave of Court upon a showing of “good cause.” See Johnson 2 || v. Mammoth Recreations, Inc., 975 F.2d 604 (9th Cir. 1992). Agreement by the parties 3 | pursuant to a stipulation does not constitute good cause. Nor does the unavailability of 4 | witnesses or counsel, except in extraordinary circumstances, constitute good cause. 5 | Requests or stipulations to continue dispositive motion deadlines, the final pretrial 6 || conference, or trial dates must establish good cause and are not granted lightly. 7 Any request or stipulation to modify this scheduling order must set forth the 8 | following: 9 1. the existing due date or hearing date as well as the discovery cutoff date, the last 10 date for hearing motions, the final pretrial conference date, and the trial date; 11 2. whether there have been prior requests for extensions, and whether these were 12 granted or denied by the Court; and 13 3. specific, concrete reasons supporting good cause for granting the extension. For 14 example, if the reason for the requested extension is that it “will promote 15 settlement,” the requesting party or parties must indicate the status of negotiation 16 efforts (e.g., whether a mediator has been selected, a mediation has been 17 scheduled, etc.) 18 19 | Dated: April 10, 2025 C i s \U

20 CHI SOO KIM

UNITED STATES MAGISTRATE JUDGE

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