

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

David v. County of Stanislaus

David · No. 2:25-cv-00534-DC-SCR · Decided May 19, 2025

SUMMARY

This document is a scheduling order issued in David v. County of Stanislaus, a civil action in the United States District Court for the Eastern District of California. It establishes deadlines for disclosures, fact and expert discovery, motions, settlement procedures, and objections or modifications to the schedule. The order was issued by United States District Judge Dena Coggins on May 19, 2025.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dena M. Coggins
DECIDED	May 19, 2025
DOCKET	2:25-cv-00534-DC-SCR
DISPOSITION	other
PROCEDURAL POSTURE	The district court issued a scheduling order under Federal Rule of Civil Procedure 16(b) after reviewing the parties' joint status report.
STANDARD OF REVIEW	Requests to modify the scheduling order require a showing of good cause under Federal Rule of Civil Procedure 16(b); discovery-related magistrate judge orders are subject to modification by the district court only if clearly erroneous or contrary to law.
PRECEDENTIAL VALUE	Nonprecedential interlocutory scheduling order
PARTIES	Lance David, et al. v. County of Stanislaus, et al.

TOPICS

- civil procedure
- discovery dispute
- joinder
- motion to amend
- summary judgment

PRACTICE AREAS

- Civil procedure
- Federal civil rights litigation
- Discovery
- Case management

QUESTIONS PRESENTED

1. Whether the court should issue a case schedule under Federal Rule of Civil Procedure 16(b) without first conducting a scheduling conference.
2. What procedures and deadlines should govern service, joinder, amendment of pleadings, discovery, motions, settlement, pretrial proceedings, and modification of the scheduling order.

HOLDINGS

1. The court may issue a scheduling order without consulting the parties at a scheduling conference when, after reviewing the joint status report, it determines that a conference is unnecessary.
2. The scheduling order becomes final absent timely objections and may be modified only by leave of court upon a showing of good cause; party stipulation alone does not modify the schedule.
3. No further joinder or amendment of pleadings is permitted without leave of court and a showing of good cause; any amendment under Rule 15(a) must not be prejudicial, unduly delayed, made in bad faith, or futile.
4. Discovery disputes are referred to the assigned magistrate judge, whose written ruling is final subject to district-court modification only upon a showing that the ruling is clearly erroneous or contrary to law.

KEY QUOTATIONS

“Pursuant to Rule 16(b) of the Federal Rules of Civil Procedure, the court reviewed the parties’ joint status report (Doc. No. 14) and has determined that the court need not “consult[] with the parties’ attorneys and any unrepresented parties at a scheduling conference,” before issuing a scheduling order in this case.” (at 1)

“The schedule, once final, shall not be modified except by leave of court upon showing of good cause.” (at 6-7)

FACTUAL BACKGROUND

The named defendants had been served, and the parties did not anticipate adding parties or amending the pleadings. The parties submitted a joint status report and proposed discovery and scheduling dates. The court set deadlines for initial disclosures, fact and expert discovery, dispositive motions, settlement proceedings, and final pretrial proceedings.

PROCEDURAL HISTORY

The civil rights action was pending in the Eastern District of California. The parties submitted a joint status report, and the court determined that a scheduling conference was unnecessary before entering the order. The court established deadlines and procedures for service, amendments, discovery, motions, settlement, pretrial proceedings, and modifications to the schedule.

DISPOSITION

other

CASES CITED

- Johnson v. Mammoth Recreations, Inc., 975 F.2d 604 (9th Cir. 1992)
- Foman v. Davis, 371 U.S. 178, 182 (1962)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 LANCE DAVID, et al., No. 2:25-cv-00534-DC-SCR 12 Plaintiffs, 13 v.
SCHEDULING ORDER 14 COUNTY OF STANISLAUS, et al., 15 Defendants. 16 17 Pursuant
to Rule 16(b) of the Federal Rules of Civil Procedure, the court reviewed the 18 parties' joint
status report (Doc. No. 14) and has determined that the court need not "consult[] 19 with the
parties' attorneys and any unrepresented parties at a scheduling conference," before 20 issuing a
scheduling order in this case.

Fed. R. Civ. P. 16(b)(1)(B). 21 I. SERVICE OF PROCESS 22 The named Defendants have been
served as required by Federal Rule of Civil Procedure 23 5. No further service is permitted
without leave of court, good cause having been shown under 24 Federal Rule of Civil Procedure
16(b). 25 II. JOINDER OF ADDITIONAL PARTIES / AMENDMENT OF PLEADINGS 26 The
parties do not anticipate the joinder of additional parties or amendment of the 27 pleadings.

28 No further joinder of parties or amendments to pleadings is permitted without leave of 1 court,
good cause having been shown. See Fed. R. Civ. P. 16(b); Johnson v. Mammoth 2 Recreations,
Inc., 975 F.2d 27 604 (9th Cir. 1992).

The parties are advised that the filing of 3 motions and/or stipulations requesting leave to amend
the pleadings does not imply good cause to 4 modify the existing schedule. Fed. R. Civ. P. 16 (b)
(4); see also Johnson, 975 F. 2d at 609. 5 Moreover, any amendment requested under Federal Rule
of Civil Procedure 15(a) must not be: 6 (1) prejudicial to the opposing party; (2) the product of
undue delay; (3) proposed in bad faith; or 7 (4) futile.

See Foman v. Davis, 371 U.S. 178, 182 (1962). 8 III. DISCOVERY PROCEDURES 9 Discovery
matters that do not implicate the schedule of the case are referred to the 10 assigned magistrate
judge, who will hear all discovery disputes subject to his or her procedures. 11 (The assigned
magistrate judge's initials follow the district judge's initials next to the case 12 number.)

All discovery related filings must include the words "DISCOVERY MATTER" in the 13 caption
to ensure proper routing. Do not direct delivery of courtesy copies of these documents to 14 the
district judge. Counsel are directed to contact the magistrate judge's courtroom deputy clerk 15 to
schedule discovery matters for hearing. 16 All motions to compel discovery must be noticed on the
assigned magistrate judge's 17 calendar in accordance with the local rules of this court and the
magistrate judge's own 18 procedures.

The written ruling of the assigned magistrate judge shall be final, subject to 19 modification by the
district court only where it has been shown that the magistrate judge's order 20 is clearly

erroneous or contrary to law. See 28 U.S.C. § 636(b)(1)(A). Pursuant to Local Rule 303, 21 any party may file and serve a “Request for Reconsideration by the District Court of Magistrate 22 Judge’s Ruling.” See L.R.

303(c). The requesting party must file and serve any such request 23 within fourteen (14) days of service of a written ruling. L.R. 303(b). The request must specify 24 which portions of the ruling are clearly erroneous or contrary to law and the basis for that 25 contention with supporting points and authorities. L.R. 303(c). 26 In addition, the assigned magistrate judge reviews proposed discovery phase protective 27 orders sought by the parties pursuant to Local Rule 141.1.

However, any requests to seal or redact 28 in connection with trial or motions to be resolved by Judge Coggins must be directed to Judge 1 Coggins and comply with her Standing Order and Local Rules 140 and 141. 2 IV. DISCOVERY DEADLINES 3 A. Rule 26(a) Initial Disclosures 4 The parties shall serve their initial disclosures pursuant to Federal Rule of Civil Procedure 5 Rule 26(a)(1) no later than June 16, 2025, which is a date proposed by the parties.

Fed. R. Civ. P. 6 26(a)(1)(C). 7 Any parties served or joined after the issuance of this scheduling order shall “make the 8 initial disclosures within 30 days after being served or joined,” as provided by Rule 26(a)(1)(D). 9 B. Fact Discovery 10 All fact discovery shall be completed¹ no later than March 2, 2026. 11 The parties do not propose any limitations or changes to the governing provisions of the 12 Federal Rules of Civil Procedure.

13 C. Expert Discovery 14 Disclosures of expert witnesses, if any, must be made pursuant to Federal Rule of Civil 15 Procedure 26(a)(2)(A), (B) and (C), and shall include all information required thereunder. Each 16 expert witness must be fully prepared to be examined on all subjects and opinions included in the 17 disclosures. Failure to comply with these requirements may result in the imposition of appropriate 18 sanctions, including the preclusion of the expert’s testimony, or of other evidence offered through 19 the expert.

20 The parties shall disclose initial experts and produce reports in accordance with Federal 21 Rule of Civil Procedure 26(a)(2) by no later than April 1, 2026. With regard to expert testimony 22 intended solely for rebuttal, those experts shall be disclosed and reports produced in accordance 23 with Federal Rule of Civil Procedure 26(a)(2) on or before May 1, 2026.

24 1 As used herein, the word “completed” means that all discovery shall have been conducted so 25 that all depositions have been taken and any disputes relevant to discovery shall have been resolved by appropriate order if necessary and, where discovery has been ordered, the order has 26 been obeyed.

The parties are advised that motions to compel must be filed in advance of the 27 discovery completion deadlines so that the court may grant effective relief within the allotted discovery time. A party’s failure to have a discovery dispute heard sufficiently in advance of the 28 discovery

cutoff may result in denial of the motion as untimely. 1 All expert discovery shall be completed no later than June 1, 2026.

2 V. MOTIONS 3 All motions, except motions for continuances, temporary restraining orders, or other 4 emergency applications, shall be filed on or before August 3, 2026 and shall be noticed for 5 hearing before Judge Coggins on a date not more than 60 days from the date the motion is filed 6 and on a date that is listed on Judge Coggins's website as an available civil law and motion 7 hearing date.

Counsel are directed to refer to the local rules regarding the requirements for 8 noticing and opposing such motions on the court's regularly scheduled law and motion calendar. 9 Prior to filing a motion for summary judgment or motion for partial summary judgment 10 (summary adjudication), the parties are ordered to meet and confer, in person or by telephone, to 11 discuss the issues to be raised in the motion.

In addition to complying with the requirements of 12 Local Rule 260, the parties must prepare a Joint Statement of Undisputed Facts, which identifies 13 all relevant facts subject to agreement by all parties. The moving party is responsible for filing the 14 joint statement concurrently with the motion.

In the notice of motion, the moving party shall 15 certify that the parties have met and conferred as ordered above or provide a statement of good 16 cause for the failure to do so. 17 The parties shall refer to Judge Coggins's Standing Order for her procedures with regard 18 to the filing of cross-motions for summary judgment and related briefing. 19 VI. SETTLEMENT CONFERENCE 20 The undersigned requires parties to participate in a court-supervised settlement conference 21 with a settlement judge before the action may proceed to trial.

A settlement conference has not 22 been set at this time. At any time before the final pretrial conference, the parties may file a joint 23 request that this action be referred to a settlement judge for the setting of a settlement conference. 24 If the parties have not participated in a court-supervised settlement conference by the time of the 25 final pretrial conference, the court will refer the action at that time to the assigned magistrate 26 judge for the setting of a settlement conference.

The parties shall contact the designated 27 settlement conference judge's chambers to ascertain that judge's settlement conference 28 procedures, including the procedure for submitting confidential settlement statements, which shall 1 not be filed and will not otherwise be disclosed to the trial judge. 2 Unless otherwise permitted in advance by the court, the attorneys who will try the case 3 shall appear at the settlement conference.

Pertinent evidence to be offered at trial, documents or 4 otherwise, should be brought to the settlement conference for presentation to the settlement judge. 5 Neither the settlement conference

statements nor communications during the settlement 6 conference with the settlement judge can be used by either party in the trial of this case. 7 Absent permission from the court, in addition to counsel who will try the case being 8 present, the individual parties shall also be present, and in the case of corporate parties, 9 associations or other entities, and insurance carriers, a representative executive with unrestricted 10 authority to discuss, consider, propose and agree, or disagree, to any settlement proposal or offer 11 shall also be present.

If for any reason the representative with unlimited authority cannot attend, 12 such a person must be available by phone or video throughout the conference. In other words, 13 having settlement authority “up to a certain amount” is not acceptable. 14 VII. FINAL PRETRIAL CONFERENCE 15 The court will not set a final pretrial conference date in this scheduling order.

Instead, 16 upon resolution of any motions filed by the deadline set forth in Section V of this order, or upon 17 the expiration of that deadline if no such motions were filed, the court will set a date for a final 18 pretrial conference, which will be conducted in person in Courtroom 8.

The court will not 19 entertain requests to conduct the final pretrial conference by Zoom. 20 The parties are directed to file a joint pretrial statement, carefully prepared and executed 21 by all counsel, that complies with the requirements of this Local Rule 281 and Judge Coggins’s 22 Standing Order. Counsel shall also email a copy of the joint pretrial statement in Word format to 23 Judge Coggins’s chambers at dcorders@caed.uscourts.gov.

The parties’ attention is directed to 24 Local Rules 281 and 282. This court will insist upon strict compliance with these rules. 25 At the final pretrial conference, the court will set a trial date and deadlines to file trial 26 documents, including motions in limine, trial briefs, and proposed jury voir dire, instructions, and 27 verdict forms (where applicable).

In addition, at the final pretrial conference, the parties shall 28 have a joint list of proposed trial dates that are within 60 to 120 days from the date of the final 1 pretrial conference, and the parties shall be prepared to confirm a trial date. 2 VIII. REQUEST FOR BIFURCATION, APPOINTMENT OF SPECIAL MASTER, OR 3 OTHER TECHNIQUES TO SHORTEN TRIAL 4 The parties have not made any such requests at this time and do not anticipate any such 5 requests.

6 IX. RELATED MATTERS PENDING 7 The parties have not alerted the court to any related litigation. 8 X. OBJECTIONS AND MODIFICATIONS TO THE SCHEDULING ORDER 9 This case schedule will become final without further order of the court unless 10 objections are filed within fourteen (14) days of the entry of this order.

The schedule, once 11 final, shall not be modified except by leave of court upon showing of good cause. The assigned 12 magistrate judge is authorized to modify the discovery dates set forth in Section IV of this order, 13 but only to the extent that any such modification does not impact the

motions filing deadline set forth in Section V of this order. A stipulation or request by the parties to modify only the discovery deadlines shall therefore be directed to the assigned magistrate judge.

The parties are reminded that pursuant to Rule 16(b) of the Federal Rules of Civil Procedure, no stipulations extending scheduling requirements or modifying applicable rules are effective until and unless the court approves them. Agreement of the parties by stipulation alone does not constitute good cause. Any request or stipulation to modify this scheduling order must set forth: (1) the existing due date or hearing date as well as the discovery cutoff date, and the last date for filing motions; (2) whether there have been prior requests for extensions, and whether these were granted or denied by the court; and (3) specific, concrete reasons supporting good cause for granting of the extension.

For example, if the reason for the requested extension is that it “will promote settlement,” the requesting party or parties must indicate the status of ongoing negotiations, i.e., have written proposals been exchanged; is counsel in the process of reviewing a draft settlement agreement; has a mediator been selected. IT IS SO ORDERED. | Dated: May 19, 2025
LY Os Dena Coggins United States District Judge