

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

United States of America ex rel. Toni S. Lee, et al. v. Barco Uniforms,
Inc., et al.

Lee v. Barco Uniforms · No. 2:16-cv-01805-DC-JDP · Decided December 19, 2025

SUMMARY

This is a scheduling order issued by the United States District Court for the Eastern District of California in a qui tam action against Barco Uniforms, Inc. and other defendants. It establishes service, discovery, expert disclosure, motion, settlement, and pretrial procedures, including a fact-discovery deadline of July 10, 2026, and a motions deadline of December 14, 2026.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dena Coggins
DECIDED	December 19, 2025
DOCKET	2:16-cv-01805-DC-JDP
DISPOSITION	other
PROCEDURAL POSTURE	The district court issued a scheduling order after reviewing the parties' joint status report under Federal Rule of Civil Procedure 16(b).
PRECEDENTIAL VALUE	nonprecedential
PARTIES	United States of America ex rel. Toni S. Lee, et al. v. Barco Uniforms, Inc., et al.

TOPICS

- civil procedure
- service of process
- joinder
- discovery dispute
- mediation

PRACTICE AREAS

- Civil procedure
- Commercial litigation
- False Claims Act litigation

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. How service of process, amendment of pleadings, joinder, discovery, motion practice, settlement, and pretrial proceedings should be managed in the action.
3. What showing is required to modify the scheduling order or obtain reconsideration of a magistrate judge's discovery ruling.

HOLDINGS

1. The court may issue a scheduling order without consulting counsel at a scheduling conference when the circumstances permitted under Federal Rule of Civil Procedure 16(b)(1)(B) are present.
2. No further service, joinder of parties, or amendment of pleadings was permitted without leave of court and a showing of good cause under the scheduling order.
3. Discovery disputes, including motions to compel, were referred to the assigned magistrate judge under the court's procedures, and the magistrate judge's written ruling would be subject to district-court modification only if clearly erroneous or contrary to law.

KEY QUOTATIONS

“No further service is permitted without leave of court, good cause having been shown under Federal Rule of Civil Procedure 16(b).” (at 1)

“No further joinder of parties or amendments to pleadings is permitted without leave of court, good cause having been shown.” (at 1-2)

“The written ruling of the assigned magistrate judge shall be final, subject to modification by the district court only where it has been shown that the magistrate judge’s order is clearly erroneous or contrary to law.” (at 2-3)

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

FACTUAL BACKGROUND

This is a pending federal civil action in which Barco Uniforms, Inc. and Kenny Chan had appeared after service. The plaintiff represented that several other entity defendants were served through Kenny Chan and that multiple attempts had been made to serve David Chan, who resides outside the United States. The parties submitted a joint status report addressing case management and scheduling.

PROCEDURAL HISTORY

Barco Uniforms, Inc. and Kenny Chan had been served and appeared. The plaintiff reported continuing efforts to serve David Chan and asserted that several entity defendants had been served through personal service on Kenny Chan. The court established service, pleading, discovery, motion, settlement, and pretrial deadlines and procedures.

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

United States of America ex rel. Toni S. Lee, et al. v. Barco Uniforms, Inc., et al.

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 UNITED STATES OF AMERICA ex rel., No. 2:16-cv-01805-DC-JDP TONI S. LEE, et al.,
12 Plaintiffs,

13 SCHEDULING ORDER

v. 14 BARCO UNIFORMS, INC., 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.
97) 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 Defendant Barco Uniforms, Inc. and Defendant Kenny Chan have been served as required 23
by Federal Rule of Civil Procedure 4 and have appeared in this action. Plaintiff United States 24
contends that the named entity defendants, Defendants Able Allied Limited; Nathan Global 25
Direct, Inc.; J & K Garment, Inc.; Mega Goodwill Ltd.; JS Garment Co.; and Superway Import &
26 Export, Inc.; were served by virtue of personal service made on Defendant Kenny Chan, who is
27 an owner, manager, or controlling partner of those entities. (Doc. Nos. 97 at 7, 70.) Plaintiff 28
represents that they have made multiple attempts to serve the remaining named defendant, 1
Defendant David Chan, who resides outside of the United States. Plaintiff shall file a status report
2 regarding the status of service on Defendant David Chan by no later than thirty (30) days from 3
the date of entry of this order. 4 No further service is permitted without leave of court, good cause
having been shown 5 under Federal Rule of Civil Procedure 16(b).

6 II. JOINDER OF ADDITIONAL PARTIES / AMENDMENT OF PLEADINGS

7 The parties do not anticipate the joinder of additional parties or amendment of the 8 pleadings. 9
No further joinder of parties or amendments to pleadings is permitted without leave of 10 court,
good cause having been shown. See Fed. R. Civ. P. 16(b); Johnson v. Mammoth 11 Recreations,
Inc., 975 F.2d 27 604 (9th Cir. 1992). The parties are advised that the filing of 12 motions and/or

stipulations requesting leave to amend the pleadings does not imply good cause to modify the existing schedule. Fed. R. Civ. P. 16 (b)(4); see also Johnson, 975 F. 2d at 609. Moreover, any amendment requested under Federal Rule of Civil Procedure 15(a) must not be: (1) prejudicial to the opposing party; (2) the product of undue delay; (3) proposed in bad faith; or (4) futile. See Foman v. Davis, 371 U.S. 178, 182 (1962).

III. DISCOVERY PROCEDURES

Discovery matters that do not implicate the schedule of the case are referred to the assigned magistrate judge, who will hear all discovery disputes subject to his or her procedures. (The assigned magistrate judge's initials follow the district judge's initials next to the case number.) All discovery related filings must include the words "DISCOVERY MATTER" in the caption to ensure proper routing. Do not direct delivery of courtesy copies of these documents to the district judge. Counsel are directed to contact the magistrate judge's courtroom deputy clerk to schedule discovery matters for hearing. All motions to compel discovery must be noticed on the assigned magistrate judge's calendar in accordance with the local rules of this court and the magistrate judge's own procedures. The written ruling of the assigned magistrate judge shall be final, subject to modification by the district court only where it has been shown that the magistrate judge's order is clearly erroneous or contrary to law. See 28 U.S.C. § 636(b)(1)(A). Pursuant to Local Rule 303, any party may file and serve a "Request for Reconsideration by the District Court of Magistrate Judge's Ruling." See L.R. 303(c). The requesting party must file and serve any such request within fourteen (14) days of service of a written ruling. L.R. 303(b). The request must specify which portions of the ruling are clearly erroneous or contrary to law and the basis for that contention with supporting points and authorities. L.R. 303(c). In addition, the assigned magistrate judge reviews proposed discovery phase protective orders sought by the parties pursuant to Local Rule 141.1. However, any requests to seal or redact in connection with trial or motions to be resolved by Judge Coggins must be directed to Judge Coggins and comply with her Standing Order and Local Rules 140 and 141.

IV. DISCOVERY DEADLINES

A. Rule 26(a) Initial Disclosures The parties shall serve their initial disclosures pursuant to Federal Rule of Civil Procedure

Rule 26(a)(1) no later than 14 days after the date of entry of this scheduling order. Fed. R. Civ. P.

26(a)(1)(C). Any parties served or joined after the issuance of this scheduling order shall "make the initial disclosures within 30 days after being served or joined," as provided by Rule 26(a)(1)(D). B. Fact Discovery All fact discovery shall be completed no later than July 10, 2026. The parties do not propose any limitations or changes to the governing provisions of the Federal Rules of Civil Procedure, other than the parties' agreement that to permit depositions and 30 interrogatories. (Doc. No. 97 at 9.) C. Expert Discovery 1 As used herein, the word "completed" means that all discovery shall have been conducted so 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 Disclosures of expert witnesses, if any, must be made pursuant to Federal Rule of Civil

2 Procedure 26(a)(2)(A), (B) and (C), and shall include all information required thereunder. Each 3 expert witness must be fully prepared to be examined on all subjects and opinions included in the 4 disclosures. Failure to comply with these requirements may result in the imposition of appropriate 5 sanctions, including the preclusion of the expert's testimony, or of other evidence offered through 6 the expert. 7 The parties shall disclose initial experts and produce reports in accordance with Federal 8 Rule of Civil Procedure 26(a)(2) by no later than August 10, 2026. With regard to expert 9 testimony intended solely for rebuttal, those experts shall be disclosed and reports produced in 10 accordance with Federal Rule of Civil Procedure 26(a)(2) on or before September 10, 2026. 11 All expert discovery shall be completed no later than October 13, 2026.

12 V. MOTIONS

13 All motions, except motions for continuances, temporary restraining orders, or other 14 emergency applications, shall be filed on or before December 14, 2026 and shall be noticed for 15 hearing before Judge Coggins on a date not more than 60 days from the date the motion is filed 16 and on a date that is listed on Judge Coggins's website as an available civil law and motion 17 hearing date. Counsel are directed to refer to the local rules regarding the requirements for 18 noticing and opposing such motions on the court's regularly scheduled law and motion calendar. 19 Prior to filing a motion for summary judgment or motion for partial summary judgment 20 (summary adjudication), the parties are ordered to meet and confer, in person or by telephone, to 21 discuss the issues to be raised in the motion. In addition to complying with the requirements of 22 Local Rule 260, the parties must prepare a Joint Statement of Undisputed Facts, which identifies 23 all relevant facts subject to agreement by all parties. The moving party is responsible for filing the 24 joint statement concurrently with the motion. In the notice of motion, the moving party shall 25 certify that the parties have met and conferred as ordered above or provide a statement of good 26 cause for the failure to do so. 27 The parties shall refer to Judge Coggins's Standing Order for her procedures with regard 28 to the filing of cross-motions for summary judgment and related briefing.

1 VI. SETTLEMENT CONFERENCE

2 The undersigned requires parties to participate in a court-supervised settlement conference 3 with a settlement judge before the action may proceed to trial. A settlement conference has not 4 been set at this time. At any time before the final pretrial conference, the parties may file a joint 5 request that this action be referred to a settlement judge for the setting of a settlement conference.

6 If the parties have not participated in a court-supervised settlement conference by the time of the
7 final pretrial conference, the court will refer the action at that time to the assigned magistrate 8
judge for the setting of a settlement conference. The parties shall contact the designated 9
settlement conference judge's chambers to ascertain that judge's settlement conference 10
procedures, including the procedure for submitting confidential settlement statements, which shall
11 not be filed and will not otherwise be disclosed to the trial judge. 12 Unless otherwise permitted
in advance by the court, the attorneys who will try the case 13 shall appear at the settlement
conference. Pertinent evidence to be offered at trial, documents or 14 otherwise, should be brought
to the settlement conference for presentation to the settlement judge. 15 Neither the settlement
conference statements nor communications during the settlement 16 conference with the
settlement judge can be used by either party in the trial of this case. 17 Absent permission from the
court, in addition to counsel who will try the case being 18 present, the individual parties shall also
be present, and in the case of corporate parties, 19 associations or other entities, and insurance
carriers, a representative executive with unrestricted 20 authority to discuss, consider, propose and
agree, or disagree, to any settlement proposal or offer 21 shall also be present. If for any reason the
representative with unlimited authority cannot attend, 22 such a person must be available by phone
or video throughout the conference. In other words, 23 having settlement authority "up to a certain
amount" is not acceptable.

24 VII. FINAL PRETRIAL CONFERENCE

25 The court will not set a final pretrial conference date in this scheduling order. Instead, 26 upon
resolution of any motions filed by the deadline set forth in Section V of this order, or upon 27 the
expiration of that deadline if no such motions were filed, the court will set a date for a final 28
pretrial conference, which will be conducted in person in Courtroom 10. The court will not 1
entertain requests to conduct the final pretrial conference by Zoom. 2 The parties are directed to
file a joint pretrial statement, carefully prepared and executed 3 by all counsel, that complies with
the requirements of this Local Rule 281 and Judge Coggins's 4 Standing Order. Counsel shall also
email a copy of the joint pretrial statement in Word format to 5 Judge Coggins's chambers at
dcorders@caed.uscourts.gov. The parties' attention is directed to 6 Local Rules 281 and 282. This
court will insist upon strict compliance with these rules. 7 At the final pretrial conference, the
court will set a trial date and deadlines to file trial 8 documents, including motions in limine, trial
briefs, and proposed jury voir dire, instructions, and 9 verdict forms (where applicable). In
addition, at the final pretrial conference, the parties shall 10 have a joint list of proposed trial dates
that are within 60 to 120 days from the date of the final 11 pretrial conference, and the parties shall
be prepared to confirm a trial date.

12 VIII. REQUEST FOR BIFURCATION, APPOINTMENT OF SPECIAL MASTER, OR 13 OTHER TECHNIQUES TO SHORTEN TRIAL

14 The parties have not made any such requests at this time and do not anticipate any such 15
requests.

16 IX. RELATED MATTERS PENDING

17 There is no related litigation.

18 X. OBJECTIONS AND MODIFICATIONS TO THE SCHEDULING ORDER

19 This case schedule will become final without further order of the court unless 20 objections are filed within fourteen (14) days of the entry of this order. The schedule, once 21 final, shall not be modified except by leave of court upon showing of good cause. The assigned 22 magistrate judge is authorized to modify the discovery dates set forth in Section IV of this order, 23 but only to the extent that any such modification does not impact the motions filing deadline set 24 forth in Section V of this order. A stipulation or request by the parties to modify only the 25 discovery deadlines shall therefore be directed to the assigned magistrate judge. 26 The parties are reminded that pursuant to Rule 16(b) of the Federal Rules of Civil 27 Procedure, no stipulations extending scheduling requirements or modifying applicable rules are 28 effective until and unless the court approves them. Agreement of the parties by stipulation alone 1 | does not constitute good cause. Any request or stipulation to modify this scheduling order must 2 | set forth: 3 (1) the existing due date or hearing date as well as the discovery cutoff date, and the 4 last date for filing motions; 5 (2) whether there have been prior requests for extensions, and whether these were 6 granted or denied by the court; and 7 (3) specific, concrete reasons supporting good cause for granting of the extension. For 8 example, if the reason for the requested extension is that it “will promote 9 settlement,” the requesting party or parties must indicate the status of ongoing 10 negotiations, 1.e., have written proposals been exchanged; is counsel in the process 11 of reviewing a draft settlement agreement; has a mediator been selected. 12 13

4 IT IS SO ORDERED. □

15 | Dated: _ December 18, 2025 Qe <—_ Dena Coggins 16 United States District Judge 17 18 19
20 21 22 23 24 25 26 27 28