

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Anthony Jackson v. FCA US, LLC

No. 2:25-cv-01450-DAD-CKD (E.D. Cal. Sept. 18, 2025) · No. 2:25-cv-01450-DAD-CKD · Decided
September 19, 2025

OPINION

Anthony Jackson v. FCA US, LLC

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 ANTHONY JACKSON, No. 2:25-cv-01450-DAD-CKD

12 Plaintiff,

13 v. SCHEDULING ORDER

14 FCA US, LLC,

15 Defendant. 16

17 Pursuant to Rule 16(b) of the Federal Rules of Civil Procedure, the court has reviewed the 18
parties' joint status report (Doc. No. 5) and has determined that the court need not "consult[] with
19 the parties' attorneys and any unrepresented parties at a scheduling conference," before issuing
a 20 scheduling order in this case. Fed. R. Civ. P. 16(b)(1)(B). Accordingly, the court vacates the
21 initial scheduling conference set for September 22, 2025 and hereby issues this scheduling
order.

22 I. SERVICE OF PROCESS

23 The named defendant has been served as required by Federal Rule of Civil Procedure 4. 24 No
further service is permitted without leave of court, good cause having been shown under 25
Federal Rule of Civil Procedure 16(b).

26 II. JOINDER OF ADDITIONAL PARTIES / AMENDMENT OF PLEADINGS

27 The parties do not anticipate the joinder of additional parties or amendment of the 28
pleadings. 1 No further joinder of parties or amendments to pleadings is permitted without leave
of 2 court, good cause having been shown. See Fed. R. Civ. P. 16(b); Johnson v. Mammoth 3
Recreations, Inc., 975 F.2d 27 604 (9th Cir. 1992). The parties are advised that the filing of 4
motions and/or stipulations requesting leave to amend the pleadings does not imply good cause to
5 modify the existing schedule. Fed. R. Civ. P. 16 (b)(4); see also Johnson, 975 F. 2d at 609. 6
Moreover, any amendment requested under Federal Rule of Civil Procedure 15(a) must not be: 7
(1) prejudicial to the opposing party; (2) the product of undue delay; (3) proposed in bad faith; or

8 (4) futile. See *Foman v. Davis*, 371 U.S. 178, 182 (1962).

9 III. DISCOVERY PROCEDURES

10 Discovery matters that do not implicate the schedule of the case or that do not relate to 11
sealing or redaction of documents related to dispositive motions are referred to the assigned 12
United States Magistrate Judge, who will hear all discovery disputes subject to his or her 13
procedures. (The assigned magistrate judge's initials follow the district judge's initials next to the
14 case number.) All discovery documents must include the words "DISCOVERY MATTER" in
15 the caption to ensure proper routing. Do not direct delivery of courtesy copies of these 16
documents to the district judge. Counsel are directed to contact the magistrate judge's courtroom
17 deputy clerk to schedule discovery matters for hearing. 18 All motions to compel discovery
must be noticed on the assigned magistrate judge's 19 calendar in accordance with the local rules
of this court and the magistrate judge's own 20 procedures. The written ruling of the assigned
magistrate judge shall be final, subject to 21 modification by the district court only where it has
been shown that the magistrate judge's order 22 is clearly erroneous or contrary to law. See 28
U.S.C. § 636(b)(1)(A). Pursuant to Local Rule 23 303, any party may file and serve a "Request for
Reconsideration by the District Court of 24 Magistrate Judge's Ruling." See L.R. 303(c). The
requesting party must file and serve any such 25 request within fourteen (14) days of service of a
written ruling. L.R. 303(b). The request must 26 specify which portions of the ruling are clearly
erroneous or contrary to law and the basis for that 27 contention with supporting points and
authorities. L.R. 303(c). 28 //// 1 In addition, the assigned magistrate judge reviews proposed
discovery phase protective 2 orders sought by the parties pursuant to Local Rule 141.1. However,
requests to seal or redact in 3 connection with dispositive motions or trial are decided by Judge
Drozdz and any such requests 4 must comply with Judge Drozdz's Standing Order and Local Rules
140 and 141.

5 IV. DISCOVERY DEADLINES

6 A. Rule 26(a) Initial Disclosures 7 The parties shall serve their initial disclosures pursuant to
Federal Rule of Civil Procedure

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

9 26(a)(1)(C). 10 Any parties served or joined after the issuance of this scheduling order shall
"make the 11 initial disclosures within 30 days after being served or joined," as provided by Rule
26(a)(1)(D). 12 B. Fact Discovery 13 All fact discovery shall be completed 1 no later than August
14, 2026, which is a date 14 proposed by the parties. 15 Plaintiff requests that the court, as part of
this scheduling order, require defendant to meet 16 and confer with plaintiff regarding the identity
of the databases which may have responsive 17 electronically stored information ("ESI") and the
appropriate search terms that may be used to 18 search for responsive material. (Doc. No. 5 at 5–
7.) Ordinarily, Federal Rule of Civil Procedure 19 34 allows a party requesting production of ESI
to specify the form in which it is produced and 20 that alternatively the producing party "must

produce the documents in the form in which they are 21 ‘ordinarily maintained or in a reasonably usable form.’” Delux Pub. Charter, LLC v. County of 22 Orange, No. 8:20-cv-02344-JLS-KES, 2021 WL 4460333, at *4 (C.D. Cal. Aug. 2, 2021). 23 Plaintiff supports his request by citing to the “Guidelines for Discovery of ESI” used in the 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 Northern District of California. (Doc. No. 5 at 7.) However, neither the Local Rules for the 2 Eastern District of California nor the Federal Rules of Civil Procedure place a requirement on the 3 search methodology used to find responsive information. The court also observes that there are 4 other available methods for determining what search methodology to use, such as permitting the 5 responding party to determine its own procedures and methodologies in this regard as the party 6 best situated to evaluate their efficacy. See NuVasive, Inc. v. Alphatec Holdings, Inc., No. 18-cv- 7 00347-CAB-MDD, 2019 WL 4934477, at *2 (S.D. Cal. Oct. 7, 2019) (“That is discovery: a party 8 requests information and the burden is on the producing party to locate and produce it or object 9 legitimately to production.”). Plaintiff does not provide reasoning or authority as to why his 10 preferred methodology for identifying responsive ESI should be adopted over an alternative 11 procedure. Accordingly, the court will decline to adopt plaintiff’s proposal modifying the 12 governing provisions of the Federal Rules of Civil Procedure with respect to the search 13 methodology required for ESI. 14 Defendant requests that discovery be phased such that the first phase of discovery be 15 limited in scope to the vehicle which is the subject of this action. (Doc. No. 5 at 9.) Defendant 16 provides no reasoning or authority as to why phased discovery would be appropriate in this case. 17 Accordingly, the court will decline to modify the governing provisions of the Federal Rules of 18 Civil Procedure with respect to the timeline on which materials are discoverable. 19 Defendant proposes that the number of interrogatories be presumptively limited to 25 as 20 set forth by Federal Rule of Civil Procedure 33(a)(1), unless the party requesting an enlargement 21 can satisfy the requirements set forth in Federal Rule of Civil Procedure 26(b). (Id.) Insofar as 22 defendant is requesting that the court does not modify the Federal Rules of Civil Procedure, the 23 court adopts defendant’s proposal. 24 Defendant proposes that the number of requests for production for each party be limited 25 to 50 and that the number of requests for admission for each party be limited to 20. (Id. at 9.) 26 Defendant provides no authority or reasoning to support this request. Accordingly, the court will 27 decline to adopt defendant’s proposed modifications to the governing provisions of the Federal 28 // 1 Rules of Civil Procedure with respect to the limits on the numbers of requests for production and 2 requests for admission which can be made. 3 Defendant proposes that

depositions may only be taken of the parties, experts, and fact 4 witnesses. (Id. at 9.) Federal Rule of Civil Procedure 30(a)(1) states that “[a] party may, by oral 5 questions, depose any person, including a party, without leave of court except as provided in Rule 6 30(a)(2).” Fed. R. Civ. P. 30. Defendant provides no authority or reasoning to support its 7 request. Accordingly, the court will decline to adopt defendant’s proposed modification to the 8 governing provisions of the Federal Rules of Civil Procedure with respect to the individuals who 9 may be deposed. 10 Defendant also proposes that plaintiff be limited to one deposition of defendant’s 11 corporate representative limited to seven hours. (Id.) It further requests that the corporate 12 representative deposition be limited to only seven topics. (Id.) Defendant also provides no 13 authority or reasoning to support its request. Accordingly, the court will decline to adopt 14 defendant’s proposed modification to the governing provisions of the Federal Rules of Civil 15 Procedure with respect to how and of whom plaintiff may conduct her depositions. 16 Defendant next proposes that, when a party objects to a notice of deposition, the objecting 17 party need not file a motion for protective order if written objections are asserted. (Id. at 10.) 18 Defendant provides no authority or reasoning to support this request. Accordingly, the court will 19 decline to adopt defendant’s proposed modification to the governing provisions of the Federal 20 Rules of Civil Procedure with respect to the method by which a party may object to a notice of 21 deposition. 22 Defendant proposes that custodians of records be limited to two key custodians per side. 23 (Id.) Defendant provides no authority or reasoning to support this request. Accordingly, the 24 court will decline to adopt defendant’s proposed modification to the governing provisions of the 25 Federal Rules of Civil Procedure with respect to how many custodians of records can be 26 identified by each party. 27 Defendant proposes that depositions of expert and non-party fact witnesses be limited to a 28 single day and a maximum of seven hours. (Id.) The court is uncertain whether defendant is 1 proposing removing the ability for parties to seek to enlarge the time for a deposition pursuant to 2 Federal Rules of Civil Procedure 26(b) and 30(d)(1). Fed. R. Civ. P. 26, 30. Construing this 3 proposal as one to so amend the Federal Rules of Civil Procedure, defendant offers no reasoning 4 or authority to justify its request. Accordingly, the court will decline to adopt defendant’s 5 proposed modification to the governing provisions of the Federal Rules of Civil Procedure with 6 respect to the ability of a party to seek to enlarge the limits on deposition length. 7 C. Expert Discovery 8 Disclosures of expert witnesses, if any, must be made pursuant to Federal Rule of Civil

9 Procedure 26(a)(2)(A), (B) and (C), and shall include all information required thereunder. Each 10 expert witness must be fully prepared to be examined on all subjects and opinions included in the 11 disclosures. Failure to comply with these requirements may result in the imposition of 12 appropriate sanctions, including the preclusion of the expert’s testimony, or of other evidence 13 offered through the expert. 14 The parties shall disclose initial experts and produce reports in accordance with Federal 15 Rule of Civil Procedure 26(a)(2) by no later than August 28, 2026, which is a date proposed by 16 the parties. With regard to expert testimony intended solely for

rebuttal, those experts shall be 17 disclosed and reports produced in accordance with Federal Rule of Civil Procedure 26(a)(2) on or 18 before September 10, 2026, which is a date proposed by the parties. 19 All expert discovery shall be completed no later than October 2, 2026, which is a date 20 proposed by the parties.

21 V. MOTIONS

22 All motions, except motions for continuances, temporary restraining orders, or other 23 emergency applications, shall be filed on or before November 16, 2026 and shall be noticed for 24 hearing before Judge Drozd on a date not more than 60 days from the date the motion is filed and 25 on a date that is consistent with Judge Drozd's Standing Order. Counsel are directed to refer to 26 the local rules regarding the requirements for noticing and opposing such motions on the court's 27 regularly scheduled law and motion calendar. 28 //// 1 Prior to filing a motion for summary judgment or motion for partial summary judgment 2 (summary adjudication), the parties are ordered to meet and confer, in person or by telephone, to 3 discuss the issues to be raised in the motion. In addition to complying with the requirements 4 of Local Rule 260, the parties must prepare a Joint Statement of Undisputed Facts, which 5 identifies all relevant facts subject to agreement by all parties. The moving party is 6 responsible for filing the joint statement concurrently with the motion. In the notice of motion, 7 the moving party shall certify that the parties have met and conferred as ordered above or provide 8 a statement of good cause for the failure to do so.

9 VI. SETTLEMENT CONFERENCE

10 The undersigned requires parties to participate in a court-supervised settlement conference 11 with a settlement judge before the action may proceed to trial. A settlement conference has not 12 been set at this time. At any time before the final pretrial conference, the parties may file a joint 13 request that this action be referred to a settlement judge for the setting of a settlement conference. 14 If the parties have not participated in a court-supervised settlement conference by the time of the 15 final pretrial conference, the court will refer the action at that time to the assigned magistrate 16 judge for the setting of a settlement conference. The parties shall contact the designated 17 settlement conference judge's chambers to ascertain that judge's settlement conference 18 procedures, including the procedure for submitting confidential settlement statements, which shall 19 not be filed and will not otherwise be disclosed to the trial judge. 20 Unless otherwise permitted in advance by the court, the attorneys who will try the case 21 shall appear at the settlement conference. Pertinent evidence to be offered at trial, documents or 22 otherwise, should be brought to the settlement conference for presentation to the settlement judge. 23 Of course, neither the settlement conference statements nor communications during the settlement 24 conference with the settlement judge can be used by either party in the trial of this case. 25 Absent permission from the court, in addition to counsel who will try the case being 26 present, the individual parties shall also be present, and in the case of corporate parties, 27 associations or other entities, and insurance carriers, a representative executive with unrestricted

28 authority to discuss, consider, propose and agree, or disagree, to any settlement proposal or offer 1 shall also be present. If for any reason the representative with unlimited authority cannot attend, 2 such a person must be available by phone or video throughout the conference. In other words, 3 having settlement authority “up to a certain amount” is not acceptable.

4 VII. FINAL PRETRIAL CONFERENCE

5 The final pretrial conference is set for April 26, 2027 at 1:30 p.m. before District Court 6 Judge Dale A. Drozd by Zoom. Parties will receive a Zoom ID number and password for the 7 final pretrial conference by email from Judge Drozd’s Courtroom Deputy Pete Buzo 8 (PBuzo@caed.uscourts.gov). Any other interested parties or members of the public may access 9 the conference telephonically by dialing 669-254-5858 and using access code 125984, at the 10 time of the conference. Because several matters may be set for the same afternoon, the parties 11 will be notified in advance of the conference at what specific time the court anticipates calling 12 their case so they can join the Zoom at that time. 13 The parties are directed to file a joint pretrial statement, carefully prepared and executed 14 by all counsel, that complies with the requirements of this Local Rule 281 and Judge Drozd’s 15 Standing Order. Counsel shall also email a copy of the joint pretrial statement in Word format to 16 Judge Drozd’s chambers at dadorders@caed.uscourts.gov. 17 The parties’ attention is directed to Local Rules 281 and 282. This court will insist upon 18 strict compliance with these rules. At the pretrial conference, the court will set deadlines to file 19 trial documents, including motions in limine, trial briefs, and proposed jury voir dire, instructions, 20 and verdict forms (where applicable).

21 VIII. JURY TRIAL

22 A jury trial is set for June 29, 2027 at 9:00 a.m. in Courtroom 4 before District Court 23 Judge Dale A. Drozd. Trial is anticipated to last 5–7 court days.

24 IX. REQUEST FOR BIFURCATION, APPOINTMENT OF SPECIAL MASTER, OR 25 OTHER TECHNIQUES TO SHORTEN TRIAL

26 The parties have not made any such requests at this time and do not anticipate any such 27 requests. 28 ////

1} X. RELATED MATTERS PENDING

2 The parties have not alerted the court to any related litigation.

3 | XI OBJECTIONS AND MODIFICATIONS TO THE SCHEDULING ORDER

4 This case schedule will become final without further order of the court unless 5 | objections are filed within fourteen (14) days of the entry of this order. The schedule, once 6 | final, shall not be modified except by leave of court upon showing of good cause. The assigned 7 | magistrate judge is authorized to modify only the discovery dates to the extent any such 8 | modification does not impact the balance of the schedule of the case. 9 The parties are reminded that pursuant to Rule 16(b) of the Federal Rules of Civil 10 | Procedure, no stipulations extending scheduling requirements or modifying applicable rules are 11 | effective until and unless the court approves them. Agreement of the parties by stipulation alone 12 | does not constitute good cause. Any

request or stipulation to modify this scheduling order must 13 || set forth: 14 (1) the existing due date or hearing date as well as the discovery cutoff date, the last 15 date for hearing motions, the final pretrial conference date, and the trial date; 16 (2) whether there have been prior requests for extensions, and whether these were 17 granted or denied by the court; and 18 (3) specific, concrete reasons supporting good cause for granting of the extension. For 19 example, if the reason for the requested extension is that it “will promote 20 settlement,” the requesting party or parties must indicate the status of ongoing 21 negotiations, 1.e., have written proposals been exchanged; is counsel in the process 22 of reviewing a draft settlement agreement; has a mediator been selected. 23 IT IS SO ORDERED. *" | Dated: _ September 18, 2025 Dab A. 2, axel

25 DALE A. DROZD

UNITED STATES DISTRICT JUDGE

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