

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

Velazquez v. Nissan North America, Inc.

No. 2:25-cv-00246-CSK (E.D. Cal. July 30, 2025) · No. 2:25-cv-00246-CSK · Decided July 30, 2025

SUMMARY

This document is a pretrial scheduling order and order dismissing Doe defendants in Velazquez v. Nissan North America, Inc., a diversity action involving claims under the California Song-Beverly Act. It establishes discovery, motion, settlement, pretrial, and trial deadlines and dismisses Does 1-10 without prejudice to a later motion to amend.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 OLGA VELAZQUEZ, Case No. 2:25-cv-00246-CSK 12 Plaintiff, 13 v.
PRETRIAL SCHEDULING ORDER AND ORDER DISMISSING DOE DEFENDANTS 14
NISSAN NORTH AMERICA, INC., 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 July
29, 2025, the Court conducted a status (initial pretrial scheduling) 23 conference in this matter.1
At the scheduling conference, attorney Danja Stocca 24 appeared on behalf of Plaintiff Olga
Velazquez, and attorney Theodore Lee appeared on 25 1 This matter proceeds before the
undersigned pursuant to 28 U.S.C. § 636(c) on the 26 consent of all parties.

(ECF Nos. 4, 7, 8.) On July 17, 2025, Defendant filed a request to appear remotely for the status
conference based on Defendant’s counsel’s “busy 27 calendar” and to avoid “significant cost and
time associated with traveling from Orange County to Sacramento.” (ECF No. 17.)

On July 22, 2025, the Court denied Defendant’s 28 request for failure to establish good cause.
(ECF No. 19.) 1 behalf of Defendant Nissan North America, Inc. After considering the parties’
joint status 2 report (ECF No. 15) and the scheduling conference held, the Court issues the
following 3 pretrial scheduling order. 4 I. NATURE OF THE CASE 5 On November 12, 2024,
this case was initially filed in Sacramento County 6 Superior Court.

(ECF No. 1-1). On January 17, 2025, Defendant removed the 7 action to federal court on the basis of diversity jurisdiction. (ECF No. 1.) The Complaint 8 alleges claims pursuant to the California Song-Beverly Act (“Act”) based on a written 9 warranty issued by Defendant in connection with a vehicle purchased by Plaintiff. (ECF 10 No. 1-1 ¶ 4.) Plaintiff is seeking damages, attorneys’ fees, costs, and expenses under 11 the Act.

(ECF No. 1-1 at 11.) 12 II. SERVICE OF PROCESS, JOINDER OF PARTIES, PLEADINGS AMENDMENT 13 All named Defendants have been served and have answered the Complaint. 14 (ECF No. 15 at 2.) No further service, joinder of parties, or amendments to pleadings is 15 permitted except with leave of Court, and only after good cause is shown. 16 The Court notes ten (10) Doe Defendants are named in the Complaint.

(See ECF 17 No. 1-1.) The inclusion of such “Doe” defendants is generally disfavored in the Ninth 18 Circuit. *Soo Park v. Thompson*, 851 F.3d 910, 928 n.21 (9th Cir. 2017) (citing *Gillespie v. 19 Civiletti*, 629 F.2d 637, 642 (9th Cir. 1980)).

In addition, at the scheduling conference, 20 Plaintiff confirmed dismissal of Defendants Does 1-10 was appropriate. (See ECF No. 15 21 at 3.) The Doe Defendants are hereby DISMISSED from this case, and should Plaintiff 22 wish to amend to add additional named defendants after discovering their identities, 23 Plaintiff may file a motion to amend and submit this motion for the Court’s review.

No 24 further service, joinder of parties, or amendments to pleadings is permitted except with 25 leave of Court, and only after good cause is shown. 26 III. JURISDICTION/VENUE 27 The parties assert that the Court has diversity jurisdiction (ECF No. 15 at 2), 28 which is found to be proper. Venue is proper and undisputed. (Id.) 1 IV. DISCOVERY DEADLINES AND PROCEDURES FOR DISCOVERY DISPUTES 2 A. Initial Disclosures 3 The parties agreed to exchange Rule 26 Initial Disclosures within fourteen (14) 4 days, which is on or before August 12, 2025.

(ECF No. 15 at 7.) 5 B. Joint Mid-Discovery and Mediation Status Statement 6 By October 17, 2025, all parties shall file with the Court a Joint Mid-Discovery 7 and Mediation Status Statement summarizing the current status of discovery and 8 mediation efforts. This statement shall include discovery completed to date and 9 identification of issues, if any, preventing discovery from proceeding in a timely manner.

10 The filing of this statement shall not relieve the parties or counsel of their obligations to 11 meet and confer, comply with the deadlines set by the Court, and comply with the 12 discovery procedures set by the Court. 13 C. Non-Expert Discovery 14 All non-expert discovery shall be completed by January 6, 2026. “Completed” 15 means (1) all non-expert discovery shall have been conducted, including written 16 discovery and depositions taken, and (2) any disputes related

to discovery shall have 17 been resolved by appropriate order if necessary and, where discovery has been 18 ordered, the order has been complied with.

Any discovery-related motions must conform 19 to the requirements of the Federal Rules of Civil Procedure, this Court's Local Rules,²⁰ including Local Rule 251, and Judge Kim's Civil Standing Orders.³ Judge Kim hears civil 21 motions on Tuesdays at 10:00 a.m. 22 D. Expert Discovery 23 The parties shall disclose any expert witnesses in accordance with Federal Rule 24 2 The Local Rules of the United States District Court for the Eastern District of California 25 are available on the district court's website: 26 <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 district court's website: <https://www.caed.uscourts.gov/caednew/index.cfm/judges/all-judges/united-states-magistrate-judge-chi-soo-kim-csk/>. 1 of Civil Procedure 26(a)(2) no later than January 27, 2026. Any rebuttal expert 2 disclosures shall be made in accordance with Fed.

R. Civ. P. 26(a)(2) no later than 3 February 10, 2026. Expert disclosures shall be served upon all parties. All expert 4 discovery shall be completed by February 24, 2026. "Completed" means (1) all expert 5 discovery shall have been conducted, including depositions taken, and (2) any disputes 6 related to expert discovery shall have been resolved by appropriate court order if 7 necessary and, where discovery has been ordered, the order has been complied with.

8 The same procedures for discovery disputes applies to non-expert and expert discovery. 9 An expert witness not timely disclosed will not be permitted to testify unless the 10 party offering the expert witness demonstrates that the failure was substantially justified 11 or is harmless. See Fed. R. Civ. P. 37(c). Upon discovery of any such expert witness, 12 the party offering the late disclosed expert witness must promptly notify all parties in 13 writing, promptly make the expert witness available for deposition, and promptly notify 14 the Court in a written filing.

This filing must include the case deadlines for expert 15 disclosures, expert discovery cut-off, dispositive motions, final pretrial conference, and 16 trial. Failure to timely provide the information required by Fed. R. Civ. P. 26(a)(2) may 17 lead to preclusion of the expert's testimony or other appropriate sanctions. See Fed. R. 18 Civ. P. 37(c). 19 E. Discovery Disputes 20 Prior to filing any discovery-related motions, the parties are required to meet and 21 confer in good faith in an attempt to resolve their discovery disputes informally and 22 without Court intervention.

Such meet and confer shall take place in person, by 23 telephone, or by video. The mere exchange of letters or e-mails alone is not sufficient. 24 As part of their joint statement related to a discovery motion submitted pursuant to Local 25 Rule 251, the parties shall also specifically outline: (a) what meet-and-confer efforts were 26 taken, including when and where such discussions took

place, who participated, how the 27 parties' disputes were narrowed as a result of such discussions; and (b) a summary of 28 discovery completed to date.

Failure to comply with these requirements may result in 1 summary denial of any discovery motion. 2 The Court strongly encourages the use of informal telephonic discovery 3 conferences with the Court in lieu of formal discovery motion practice.

The procedures 4 and conditions for requesting and conducting such an informal telephonic discovery 5 conference are set forth in Judge Kim's Civil Standing Orders. In addition, and subject to 6 availability, the Court will rule on disputes encountered during oral depositions. If a 7 dispute arises during the deposition, the parties may contact Judge Kim's Courtroom 8 Deputy at (916) 930-4187 to inquire regarding Judge Kim's availability.

However, the 9 parties are cautioned that these informal procedures are not to be abused, and the Court 10 may impose appropriate sanctions. 11 V. MOTIONS 12 All pretrial law and motion, including motions for summary judgment under Fed. 13 R. Civ. P. 56, shall be filed by March 10, 2026 and heard by April 14, 2026. 14 Dispositive motions must be filed following the procedures of Local Rules 230 and 15 260, and Judge Kim's Civil Standing Orders.

Counsel and parties proceeding without 16 counsel should pay particular attention to the rules for Statements of Undisputed Facts 17 for motions for summary judgment, cross motions for summary judgment, and general 18 brief requirements in the Local Rules and Judge Kim's Civil Standing Orders. If both 19 Plaintiff and Defendant intend to file motions for summary judgment, the parties must 20 follow the schedule and requirements set out in Judge Kim's Civil Standing Orders for 21 cross motions for summary judgment.

Judge Kim generally hears civil motions on 22 Tuesdays at 10:00 a.m. This paragraph does not apply to motions for continuances, 23 motions in limine related to trial, temporary restraining orders, or other emergency 24 applications, for which the Court may set a special briefing schedule, if necessary or 25 appropriate. 26 4 Pursuant to Local Rule 230(b), a motion set for hearing on April 14, 2026 must be 27 filed by March 10, 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 All purely legal issues are to be resolved by timely pretrial motion. The purpose of 2 law and motion is to narrow and refine the legal issues raised by the case, as well as to 3 dispose of those issues that can be resolved by pretrial motion.

Motions in limine should 4 address trial-related issues, such as the admissibility of evidence. The Court will look 5 with disfavor upon dispositive motions or other substantive legal motions presented as 6 motions in limine at the time of trial. 7 VI. SETTLEMENT CONFERENCE 8 The parties indicate they will explore private mediation. (ECF No. 15 at 8.) If the 9 parties want to

conduct a settlement conference with a magistrate judge, they are to 10 contact the undersigned's courtroom deputy at (916) 930-4187 or 11 awaldrop@caed.uscourts.gov, to inquire as to the availability of another magistrate 12 judge for a settlement conference.

Parties should communicate the specific time frame 13 when they would like the settlement conference held. 14 VII. FINAL PRETRIAL CONFERENCE AND TRIAL 15 The final pretrial conference is set for June 10, 2026 at 10:00 a.m. and trial is set 16 for July 20, 2026 at 9:30 a.m. in Courtroom No. 25 before United States Magistrate 17 Judge Chi Soo Kim. Trial counsel must appear at the final pretrial conference.

At the 18 final pretrial conference, the Court will set the deadlines for other trial-related deadlines, 19 including the submission of exhibits. 20 A. Meet and Confer 21 At least 28 days before the final Pretrial Conference, lead counsel who will try the 22 case shall meet and confer with respect to the following subjects: (1) settlement of the 23 case; (2) preparation of the joint pretrial filings; and (3) clarifying and narrowing the 24 contested issues for trial.

Counsel in close geographical proximity are encouraged to 25 meet in person. 26 B. Joint Pretrial Statement 27 The parties shall file a joint pretrial statement pursuant to Local Rule 281(a)(2). 28 The joint pretrial statement must be filed no later than twenty-one (21) days before the 1 date set for the final pretrial conference and must also be emailed as a Word document 2 to CSKorders@caed.uscourts.gov.

Separate pretrial statements are not permitted 3 unless a party is not represented by counsel. 4 The pretrial statement must cover all topics identified in Local Rule 281 with the 5 following additions and clarifications: 6 1. Statement of the Case: A concise, joint statement of the case must be 7 included. 8 2. Trial Length Estimate: An estimate of the length of trial must also be 9 included.

Unless otherwise ordered, trial hours will be from 9:30 a.m. to 10 4:30 p.m., Monday through Friday. 11 3. Procedural Status: A concise summary of the procedural status of the 12 case must be included, including the disposition of any motions and 13 whether any motions are still pending. 14 4. Factual Issues: The undisputed facts and disputed factual issues shall be 15 set forth in separate sections of the pretrial statement.

Each fact or factual 16 issue should be numbered. For disputed factual issues, identify the cause 17 of action or defense to which the factual issue is related. 18 5. Points of Law: In the points of law section of the pretrial statement, include 19 the elements for each cause of action and each defense, with citation to 20 the relevant legal authority. 21 6.

Motions In Limine: The parties shall also identify the motions in limine 22 each party reasonably anticipates filing. 23 7. Witness Lists: Each party's witness list must be submitted as a separate 24 attachment to the pretrial statement, and labeled as such.

The witness list 25 must include the witness's name; the witness's title or position; whether the 26 testimony is offered in-person or by deposition; whether the witness is 27 designated as an expert; and a concise statement of the anticipated 28 subjects of testimony. Pursuant to Local Rule 281, only individuals on the 1 witness list submitted with the pretrial statement will be permitted to testify 2 at trial, except as may be otherwise provided in the pretrial order.

The 3 witness's address does not need to be included. 4 8. Exhibit Lists: Each party's exhibit list must be submitted as a separate 5 attachment to the pretrial statement, and labeled as such. Plaintiff's 6 exhibits shall be listed numerically; Defendant's exhibits shall be listed 7 alphabetically. All exhibits must be individually identified with 8 specificity, including a reasonable amount of detail such that other parties 9 can identify each exhibit, including exhibit name/title, document/file date, 10 bates numbers, and a concise description of the exhibit.

Groups or 11 categories of documents/records may not be listed as a single exhibit 12 (e.g., it is improper to list "Initial Disclosure Documents," "Cell phone 13 records," etc. as a single exhibit). Pursuant to Local Rule 281, only exhibits 14 on the exhibit list submitted with the pretrial statement will be permitted to 15 be offered at trial, except as may be otherwise provided in the pretrial 16 order.

The parties are instructed to refer to and follow the Court's Jury Trial 17 Procedures available on Judge Kim's webpage on the district court's 18 website: <https://www.caed.uscourts.gov/caednew/index.cfm/judges/all-judges/united-states-magistrate-judge-chi-soo-kim-csk/>. This document 20 includes important instructions and requirements for exhibit lists.

21 9. Further Discovery or Motions: Inclusion of a section regarding further 22 discovery or motions in the pretrial statement pursuant to Local Rule 23 218(b)(13) will not be interpreted as a motion to request further discovery, 24 a request to modify the scheduling order or any other order issued for this 25 case, or as an actual motion or request.

The parties must continue to follow 26 the scheduling order(s) for this case, the Local Rules, and the Court's 27 standing orders to request further discovery or a modification of the 28 scheduling order(s). 1 C. Motions In Limine 2 Motions in limine shall be filed by the close of business fourteen (14) days before 3 the date set for the final pretrial conference.

Any opposition shall be filed by the close of 4 business seven (7) days before the date set for the final pretrial conference. No replies 5 shall be filed. 6 Briefing for motions in limine shall be limited to 25 pages total for each side. Each 7 motion in limine should be numbered and clearly identified.

For example, "Plaintiffs' 8 Motion in Limine No. 1 Re: [subject]." The brief shall include a table of contents at the 9 beginning that lists each motion in limine and the page number on which the

motion 10 begins. 11 Briefing for oppositions/ responses to motions in limine shall also be limited to 25 12 pages total for each side. Each opposition/ response should be numbered and clearly 13 identified.

For example, “Defendants’ Opposition to Plaintiffs’ Motion in Limine No. 1 Re: 14 [subject].” The brief shall also include a table of contents at the beginning that lists each 15 motion in limine opposition/ response and the page number on which the opposition/ 16 response begins. 17 The parties should be prepared to argue their motions in limine at the final pretrial 18 conference.

The Court will endeavor to rule on motions in limine before trial begins to 19 assist the parties in their trial preparations. 20 D. Proposed Voir Dire, Jury Instructions, and Verdict Forms 21 The parties must file proposed voir dire questions, proposed joint jury instructions, 22 and proposed joint verdict forms by the close of business fourteen (14) days before the 23 date set for the final pretrial conference.

The parties must also email these filings as 24 Word documents to CSKorders@caed.uscourts.gov. The parties should be prepared to 25 address the proposed voir dire questions, jury instructions, and verdict forms at the final 26 pretrial conference.

The parties are instructed to refer to and follow the Court’s Jury 27 Trial Procedures available on Judge Kim’s webpage on the district court’s website: 28 <https://www.caed.uscourts.gov/caednew/index.cfm/judges/all-judges/united-states-1-magistrate-judge-chi-soo-kim-csk/>. This document includes important instructions and 2 requirements for the submission of joint proposed joint jury instructions.

3 *Proposed voir dire questions, jury instructions, and verdict forms should not be 4 submitted in cases tried to the bench. 5 E. Trial Briefs 6 Parties are not required to file trial briefs. If a party chooses to file a trial brief, it 7 shall not be longer than five pages and shall be filed no later than by the close of 8 business fourteen (14) days before the date set for the final pretrial conference.

Trial 9 briefs shall not duplicate the contents of the joint pretrial statement and proposed order. 10 F. Courtesy Copies 11 Two binders containing courtesy copies of the Joint Pretrial Statement, witness 12 lists, exhibit lists, proposed voir dire questions, proposed joint jury instructions, proposed 13 joint verdict forms, motions in limine, and optional trial briefs must be delivered to the 14 Clerk’s office by noon thirteen (13) days before the date set for the final pretrial 15 conference.

This is the day after the filing deadline for the proposed voir dire questions, 16 proposed jury instructions, proposed verdict forms, motions in limine, and optional trial 17 briefs. Parties should coordinate so that only two courtesy copies are submitted, rather 18 than submitting separate courtesy copies from each party. Parties do not need to provide 19 courtesy copies of the motion in limine oppositions.

20 All courtesy copies must be double-sided, three-hole punched at the left margin, 21 and marked with the ECF stamp (case number, document number, date, and page 22 number) on the top of each page. These binders shall include labeled side tabs, and be 23 clearly marked “Chambers Copy – Do Not File” with Judge Kim’s name, the case 24 number, and the case name.

25 G. Trial 26 A jury trial is set for July 20, 2026 at 9:30 a.m., in Courtroom No. 25. The parties 27 estimate 3-4 days for trial. (ECF No. 15 at 7.) 28 /// 1 VIII. SCHEDULE SUMMARY 2 Event Deadline Ordered 3 Initial Disclosures Due By August 12, 2025 4 Joint Mid-Discovery and Mediation October 17, 2025 Status Statement Filed By 5 Non-Expert Discovery Completion January 6, 2026 6 Expert Disclosures Due By January 27, 2026 7 Rebuttal Expert Disclosures Due By February 10, 2026 8 Expert Discovery Completion February 24, 2026 Dispositive Motions Filed By 9 March 10, 2026 9 Dispositive Motions Heard By April 14, 2026 10 Joint Pretrial Statement Due By 21 days before the FPTC 11 Motions In Limine Filed By 14 days before the FPTC Final Pretrial Conference and Motions June 10, 2026 at 10:00 a.m., 12 In Limine Hearing Courtroom 25 Jury Trial (3-4 days) July 20, 2026 at 9:30 a.m., 13 Courtroom 25 14 15 IX.

MODIFICATIONS OF THIS SCHEDULING ORDER 16 This case schedule will become final without further order of the Court unless 17 written objections are filed within fourteen (14) days of the entry of this order. The parties 18 are reminded that pursuant to Federal Rule of Civil Procedure 16(b)(4), this order shall 19 not be modified except by leave of Court upon a showing of “good cause.” See Johnson 20 v. Mammoth Recreations, Inc., 975 F.2d 604 (9th Cir.

1992). Agreement by the parties 21 pursuant to a stipulation does not constitute good cause. Nor does the unavailability of 22 witnesses or counsel, except in extraordinary circumstances, constitute good cause. 23 Requests or stipulations to continue dispositive motion deadlines, the final pretrial 24 conference, or trial dates must establish good cause and are not granted lightly.

25 26 5 At the scheduling conference, Plaintiff indicated she did not anticipate filing a dispositive motion. As a result, the deadlines for cross-motions for summary judgment is 27 not included above. If both Plaintiff and Defendant intend to file motions for summary judgment, the parties must follow the schedule set out in Judge Kim’s Civil Standing 28 Orders for cross-motions for summary judgment.

1 Any request or stipulation to modify this scheduling order must set forth the 2 | following: 3 1. the existing due date or hearing date as well as the discovery cutoff date, the last 4 date for hearing motions, the final pretrial conference date, and the trial date; 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 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 negotiation 10 efforts (e.g., whether a mediator has been selected, a mediation has been 11 scheduled, etc.). 12 13 Dated: July 30, 2025 C (yi S\$ 14 CHI S00 KIM UNITED STATES MAGISTRATE JUDGE 15 16 4, vela0246.25 17 18 19 20 21 22 23 24 25 26 27 28 12