

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Dores v. General Motors LLC

Dores · No. 2:25-cv-01256-WBS-JDP · Decided August 22, 2025

SUMMARY

The United States District Court for the Eastern District of California issued a Status (Pretrial Scheduling) Order in *Dores v. General Motors LLC*. The order addresses service, amendments, discovery, motion deadlines, the final pretrial conference, trial setting, settlement procedures, and modification of scheduling dates in a Song-Beverly Consumer Warranty Act action.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	William B. Shubb
DECIDED	August 22, 2025
DOCKET	2:25-cv-01256-WBS-JDP
DISPOSITION	other
PROCEDURAL POSTURE	The court issued a status and pretrial scheduling order after reviewing the parties' joint status report and vacated the scheduled status conference.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Tony Dores v. General Motors LLC

TOPICS

- civil procedure
- service of process
- joinder
- discovery dispute
- consumer protection

PRACTICE AREAS

- civil procedure
- consumer protection

QUESTIONS PRESENTED

1. Whether the court should vacate the scheduled status and pretrial scheduling conference and enter a scheduling order based on the parties' Joint Status Report.

2. Whether further service, joinder of parties, or amendments to pleadings should be permitted absent leave of court and good cause.
3. Whether diversity jurisdiction and venue were adequately established for the action.
4. What deadlines and procedures should govern discovery, motions, pretrial proceedings, settlement, and trial.

HOLDINGS

1. Because all defendants had been served, no further service was permitted without leave of court and a showing of good cause under Federal Rule of Civil Procedure 16(b).
2. No further joinder of parties or amendments to pleadings would be permitted without leave of court and a showing of good cause under Federal Rule of Civil Procedure 16(b).
3. The court found diversity jurisdiction under 28 U.S.C. § 1332 because the amount sought exceeded \$75,000 and complete diversity existed, and found venue proper.
4. The court adopted deadlines for disclosures, expert reports, completion of discovery, motions, the final pretrial conference, settlement proceedings, and trial.

KEY QUOTATIONS

“No further joinder of parties or amendments to pleadings will be permitted except with leave of court, good cause having been shown under Federal Rule of Civil Procedure 16(b).” (at 1-2)

“Jurisdiction in this consumer protection action under the Song-Beverly Consumer Warranty Act is predicated upon 28 U.S.C. § 1332, because the amount of recovery sought exceeds \$75,000.00 and there is complete diversity among the parties.” (at 2)

FACTUAL BACKGROUND

Tony Does brought a consumer protection action against General Motors LLC under the Song-Beverly Consumer Warranty Act. The court found that all defendants had been served, that federal subject-matter jurisdiction was based on diversity because the amount in controversy exceeded \$75,000 and the parties were completely diverse, and that venue was proper. The parties agreed to deadlines for initial disclosures, expert disclosures, discovery completion, motion practice, pretrial proceedings, settlement, and trial.

PROCEDURAL HISTORY

This action was pending in the Eastern District of California when the court reviewed the parties' Joint Status Report. The court vacated the August 25, 2025 Status (Pretrial Scheduling) Conference and entered deadlines and case-management directives concerning service, amendments, joinder, discovery, motions, pretrial proceedings, settlement, and trial.

DISPOSITION

other

CASES CITED

- Johnson v. Mammoth Recreations, Inc., 975 F.2d 604 (9th Cir. 1992)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 ----oo0oo---- 11 12 TONY DORES, an individual, No. 2:25-cv-01256-WBS-
JDP 13 Plaintiff, 14 v. 15 GENERAL MOTORS LLC, a Delaware Limited Liability 16 Company,
17 Defendant. 18 19 ----oo0oo---- 20 STATUS (PRETRIAL SCHEDULING) ORDER 21 After
reviewing the parties' Joint Status Report, the 22 court hereby vacates the Status (Pretrial
Scheduling) Conference 23 scheduled for August 25, 2025, and makes the following findings 24
and orders without needing to consult with the parties any 25 further.

26 I. SERVICE OF PROCESS 27 All defendants have been served, and no further service 28 1 is
permitted without leave of court, good cause having been shown 2 under Federal Rule of Civil
Procedure 16(b). 3 II. JOINDER OF PARTIES/AMENDMENTS 4 No further joinder of parties or
amendments to 5 pleadings will be permitted except with leave of court, good 6 cause having been
shown under Federal Rule of Civil Procedure 7 16(b).

See Johnson v. Mammoth Recreations, Inc., 975 F.2d 604 8 (9th Cir. 1992). 9 III.
JURISDICTION/VENUE 10 Jurisdiction in this consumer protection action under 11 the Song-
Beverly Consumer Warranty Act is predicated upon 28 12 U.S.C. § 1332, because the amount of
recovery sought exceeds 13 \$75,000.00 and there is complete diversity among the parties. 14
Venue is undisputed and hereby found to be proper.

15 IV. DISCOVERY 16 The parties agreed to serve the initial disclosures 17 required by Federal
Rule of Civil Procedure 26(a)(1) on or before 18 August 20, 2025. 19 The parties shall disclose
experts and produce reports 20 in accordance with Federal Rule of Civil Procedure 26(a)(2) by no
21 later than February 13, 2026. With regard to expert testimony 22 intended solely for rebuttal,
those experts shall be disclosed 23 and reports produced in accordance with Federal Rule of Civil
24 Procedure 26(a)(2) on or before February 27, 2026.

25 All discovery, including depositions for preservation 26 of testimony, is left open, save and
except that it shall be so 27 conducted as to be completed by March 13, 2026. The word 28
“completed” means that all discovery shall have been conducted so 1 that all depositions have
been taken and any disputes relevant to 2 discovery shall have been resolved by appropriate order
if 3 necessary and, where discovery has been ordered, the order has 4 been obeyed.

All motions to compel discovery must be noticed on 5 the magistrate judge's calendar in
accordance with the local 6 rules of this court and so that such motions may be heard (and 7 any
resulting orders obeyed) not later than March 13, 2026. 8 V. MOTION HEARING SCHEDULE 9

All motions, except motions for continuances, temporary restraining orders, or other emergency applications, shall be filed on or before April 30, 2026.

All motions shall be noticed for the next available hearing date. Counsel are cautioned to refer to the local rules regarding the requirements for noticing and opposing such motions on the court's regularly scheduled law and motion calendar.

VI. FINAL PRETRIAL CONFERENCE

The Final Pretrial Conference is set for July 13, 2026, at 1:30 p.m. in Courtroom No. 5.

The conference shall be attended by at least one of the attorneys who will conduct the trial for each of the parties and by any unrepresented parties. Counsel for all parties are to be fully prepared for trial at the time of the Pretrial Conference, with no matters remaining to be accomplished except production of witnesses for oral testimony.

Counsel shall file separate pretrial statements, and are referred to Local Rules 281 and 282 relating to the contents of and time for filing those statements. In addition to those subjects listed in Local Rule 281(b), the parties are to provide the court with: (1) a plain, concise statement which identifies every non-discovery motion which has been made to the court, and its resolution; (2) a list of the remaining claims as against each defendant; and (3) the estimated number of trial days.

In providing the plain, concise statements of undisputed facts and disputed factual issues contemplated by Local Rule 281(b)(3)-(4), the parties shall emphasize the claims that remain at issue, and any remaining affirmatively pled defenses thereto. If the case is to be tried to a jury, the parties shall also prepare a succinct statement of the case, which is appropriate for the court to read to the jury.

VII. TRIAL SETTING

The jury trial is set for September 9, 2026 at 9:00 a.m. The parties estimate that the trial will last five days.

VIII. SETTLEMENT CONFERENCE

A Settlement Conference with a magistrate judge will be set at the time of the Pretrial Conference. Counsel are instructed to have a principal with full settlement authority present at the Settlement Conference or to be fully authorized to settle the matter on any terms.

At least seven calendar days before the Settlement Conference counsel for each party shall submit a confidential Settlement Conference Statement for review by the settlement judge. The Settlement Conference Statements shall not be filed and will not otherwise be disclosed to the trial judge.

IX. MODIFICATIONS TO SCHEDULING ORDER

Any requests to modify the dates or terms of this Scheduling Order, except requests to change the date of the trial, may be heard and decided by the assigned Magistrate Judge.

All requests to change the trial date shall be heard and decided only by the undersigned judge.

IT IS SO ORDERED..

Dated: August 22, 2025

WILLIAM B. SHUBB

UNITED

