

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Michelle M. Lopez v. Sundt Construction, Inc., et al.

Lopez · No. 2:25-cv-02412-DAD-AC · Decided December 16, 2025

SUMMARY

This document is a scheduling order issued by the United States District Court for the Eastern District of California in Lopez v. Sundt Construction, Inc., et al., No. 2:25-cv-02412-DAD-AC. It establishes deadlines for disclosures, fact and expert discovery, motions, settlement, the final pretrial conference, and jury trial, with a final pretrial conference set for July 12, 2027, and trial set for September 14, 2027.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dale A. Drozd
DECIDED	December 16, 2025
DOCKET	2:25-cv-02412-DAD-AC
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	Discovery rulings by the assigned magistrate judge may be modified by the district court only when shown to be clearly erroneous or contrary to law.
PRECEDENTIAL VALUE	nonprecedential case-management order
PARTIES	Michelle M. Lopez v. Sundt Construction, Inc., Sundt Construction, Inc. Northern California, et al.

TOPICS

- civil procedure
- discovery dispute
- joinder
- motion to amend
- service of process

PRACTICE AREAS

- civil procedure
- construction law

QUESTIONS PRESENTED

1. Whether the court could issue a scheduling order without consulting the parties at a scheduling conference.
2. What deadlines and procedures should govern service, joinder, amendment of pleadings, discovery, motions, settlement, pretrial proceedings, and trial.
3. What standard governs district-court review of discovery rulings by the assigned magistrate judge.

HOLDINGS

1. The court may issue the scheduling order without consulting the parties at a scheduling conference because the parties' joint status report provided a sufficient basis under Federal Rule of Civil Procedure 16(b)(1)(B); the initial scheduling conference was therefore vacated.
2. After entry of the scheduling order, no further joinder of parties or amendment of pleadings is permitted without leave of court and a showing of good cause; a request to amend or a stipulation alone does not establish good cause.
3. A magistrate judge's discovery ruling is subject to modification by the district court only upon a showing that the ruling is clearly erroneous or contrary to law.

KEY QUOTATIONS

“Accordingly, the court vacates the initial scheduling conference set for December 22, 2025 and hereby issues this scheduling order.” (at 1)

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

FACTUAL BACKGROUND

The case was removed to the Eastern District of California and involved claims by Michelle M. Lopez against Sundt Construction, Inc. and related defendants. The named defendants had been served, and the parties submitted a joint status report stating that they did not anticipate additional joinder or pleading amendments. The court used that report to establish a case schedule and related case-management procedures.

PROCEDURAL HISTORY

The court determined that it need not conduct the initial scheduling conference and vacated the conference set for December 22, 2025. It issued deadlines and procedures governing service, joinder, amendment, discovery, motions, settlement, pretrial proceedings, and trial. The order also directed the plaintiff to file a notice or stipulation effecting the voluntary dismissal without prejudice of Sundt Construction, Inc. Northern California.

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

Lopez

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 MICHELLE M. LOPEZ, No. 2:25-cv-02412-DAD-AC

12 Plaintiff,

13 v. SCHEDULING ORDER

14 SUNDT CONSTRUCTION, INC., et al., 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. 6) 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 December 22, 2025 and hereby issues this scheduling order.

22 I. SERVICE OF PROCESS

23 The named defendants Sundt Construction, Inc. and Sundt Construction, Inc. Northern 24
California¹ have been served as required by Federal Rule of Civil Procedure 4. No further service
25 // 26 1 Plaintiff states that she "will in fact dismiss Defendant Sundt Construction, Inc.
Northern 27 California without prejudice." (Doc. No. 6 at 3.) Plaintiff is directed to file a notice of
voluntary dismissal or stipulation to voluntarily dismiss to effectuate dismissal of defendant Sundt
28 Construction, Inc. Northern California. 1 is permitted without leave of court, good cause having
been shown under Federal Rule of Civil

2 Procedure 16(b).

3 II. JOINDER OF ADDITIONAL PARTIES / AMENDMENT OF PLEADINGS

4 The parties do not anticipate the joinder of additional parties or amendment of the 5 pleadings. 6
No further joinder of parties or amendments to pleadings is permitted without leave of 7 court,
good cause having been shown. See Fed. R. Civ. P. 16(b); Johnson v. Mammoth 8 Recreations,
Inc., 975 F.2d 27 604 (9th Cir. 1992). The parties are advised that the filing of 9 motions and/or
stipulations requesting leave to amend the pleadings does not imply good cause to 10 modify the
existing schedule. Fed. R. Civ. P. 16 (b)(4); see also Johnson, 975 F. 2d at 609. 11 Moreover, any
amendment requested under Federal Rule of Civil Procedure 15(a) must not be: 12 (1) prejudicial
to the opposing party; (2) the product of undue delay; (3) proposed in bad faith; or 13 (4) futile.

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

14 III. DISCOVERY PROCEDURES

15 Discovery matters that do not implicate the schedule of the case or that do not relate to 16
sealing or redaction of documents related to dispositive motions are referred to the assigned 17
United States Magistrate Judge, who will hear all discovery disputes subject to his or her 18
procedures. (The assigned magistrate judge's initials follow the district judge's initials next to the
19 case number.) All discovery documents must include the words "DISCOVERY MATTER" in
20 the caption to ensure proper routing. Do not direct delivery of courtesy copies of these 21
documents to the district judge. Counsel are directed to contact the magistrate judge's courtroom
22 deputy clerk to schedule discovery matters for hearing. 23 All motions to compel discovery
must be noticed on the assigned magistrate judge's 24 calendar in accordance with the local rules
of this court and the magistrate judge's own 25 procedures. The written ruling of the assigned
magistrate judge shall be final, subject to 26 modification by the district court only where it has
been shown that the magistrate judge's order 27 is clearly erroneous or contrary to law. See 28
U.S.C. § 636(b)(1)(A). Pursuant to Local Rule 28 303, any party may file and serve a "Request for
Reconsideration by the District Court of 1 Magistrate Judge's Ruling." See L.R. 303(c). The
requesting party must file and serve any such 2 request within fourteen (14) days of service of a
written ruling. L.R. 303(b). The request must 3 specify which portions of the ruling are clearly
erroneous or contrary to law and the basis for that 4 contention with supporting points and
authorities. L.R. 303(c). 5 In addition, the assigned magistrate judge reviews proposed discovery
phase protective 6 orders sought by the parties pursuant to Local Rule 141.1. However, requests to
seal or redact in 7 connection with dispositive motions or trial are decided by Judge Drozd and any
such requests 8 must comply with Judge Drozd's Standing Order and Local Rules 140 and 141.

9 IV. DISCOVERY DEADLINES

10 A. Rule 26(a) Initial Disclosures 11 The parties shall serve their initial disclosures pursuant to
Federal Rule of Civil Procedure

12 Rule 26(a)(1) no later than December 19, 2025, which is a date proposed by the parties.

13 Any parties served or joined after the issuance of this scheduling order shall "make the 14
initial disclosures within 30 days after being served or joined," as provided by Rule 26(a)(1)(D).

15 B. Fact Discovery 16 All fact discovery shall be completed² no later than September 15, 2026.

17 The parties do not propose any limitations or changes to the governing provisions of the 18
Federal Rules of Civil Procedure. 19 C. Expert Discovery 20 Disclosures of expert witnesses, if
any, must be made pursuant to Federal Rule of Civil

21 Procedure 26(a)(2)(A), (B) and (C), and shall include all information required thereunder. Each
22 expert witness must be fully prepared to be examined on all subjects and opinions included in
the 23 disclosures. Failure to comply with these requirements may result in the imposition of 24 2
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 been obeyed. The parties are advised that motions to compel must be filed in advance of the 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 discovery cutoff may result in denial of the motion as untimely. 1 appropriate sanctions, including the preclusion of the expert's testimony, or of other evidence 2 offered through the expert. 3 The parties shall disclose initial experts and produce reports in accordance with Federal 4 Rule of Civil Procedure 26(a)(2) by no later than October 15, 2026. With regard to expert 5 testimony intended solely for rebuttal, those experts shall be disclosed and reports produced in 6 accordance with Federal Rule of Civil Procedure 26(a)(2) on or before November 16, 2026. 7 All expert discovery shall be completed no later than December 16, 2026.

8 V. MOTIONS

9 All motions, except motions for continuances, temporary restraining orders, or other 10 emergency applications, shall be filed on or before February 1, 2027 and shall be noticed for 11 hearing before Judge Drozd on a date not more than 60 days from the date the motion is filed and 12 on a date that is consistent with Judge Drozd's Standing Order. Counsel are directed to refer to 13 the local rules regarding the requirements for noticing and opposing such motions on the court's 14 regularly scheduled law and motion calendar. 15 Prior to filing a motion for summary judgment or motion for partial summary judgment 16 (summary adjudication), the parties are ordered to meet and confer, in person or by telephone, to 17 discuss the issues to be raised in the motion. In addition to complying with the requirements 18 of Local Rule 260, the parties must prepare a Joint Statement of Undisputed Facts, which 19 identifies all relevant facts subject to agreement by all parties. The moving party is 20 responsible for filing the joint statement concurrently with the motion. In the notice of motion, 21 the moving party shall certify that the parties have met and conferred as ordered above or provide 22 a statement of good cause for the failure to do so.

23 VI. SETTLEMENT CONFERENCE

24 The undersigned requires parties to participate in a court-supervised settlement conference 25 with a settlement judge before the action may proceed to trial. A settlement conference has not 26 been set at this time. At any time before the final pretrial conference, the parties may file a joint 27 request that this action be referred to a settlement judge for the setting of a settlement conference. 28 If the parties have not participated in a court-supervised settlement conference by the time of the 1 final pretrial conference, the court will refer the action at that time to the assigned magistrate 2 judge for the setting of a settlement conference. The parties shall contact the designated 3 settlement conference judge's chambers to ascertain that judge's settlement conference 4 procedures, including the procedure for submitting confidential settlement statements, which shall 5 not be filed and will not otherwise be disclosed to the trial judge. 6 Unless otherwise permitted in advance by the court, the attorneys who will try the case 7 shall appear at the settlement

conference. Pertinent evidence to be offered at trial, documents or 8 otherwise, should be brought to the settlement conference for presentation to the settlement judge. 9 Of course, neither the settlement conference statements nor communications during the settlement 10 conference with the settlement judge can be used by either party in the trial of this case. 11 Absent permission from the court, in addition to counsel who will try the case being 12 present, the individual parties shall also be present, and in the case of corporate parties, 13 associations or other entities, and insurance carriers, a representative executive with unrestricted 14 authority to discuss, consider, propose and agree, or disagree, to any settlement proposal or offer 15 shall also be present. If for any reason the representative with unlimited authority cannot attend, 16 such a person must be available by phone or video throughout the conference. In other words, 17 having settlement authority “up to a certain amount” is not acceptable.

18 VII. FINAL PRETRIAL CONFERENCE

19 The final pretrial conference is set for July 12, 2027 at 1:30 p.m. before District Court 20 Judge Dale A. Drozd by Zoom. Parties will receive a Zoom ID number and password for the 21 final pretrial conference by email from Judge Drozd’s Courtroom Deputy Pete Buzo 22 (PBuzo@caed.uscourts.gov). Any other interested parties or members of the public may access 23 the conference telephonically by dialing 669–254–5858 and using access code 125984, at the 24 time of the conference. Because several matters may be set for the same afternoon, the parties 25 will be notified in advance of the conference at what specific time the court anticipates calling 26 their case so they can join the Zoom at that time. 27 The parties are directed to file a joint pretrial statement, carefully prepared and executed 28 by all counsel, that complies with the requirements of this Local Rule 281 and Judge Drozd’s 1 Standing Order. Counsel shall also email a copy of the joint pretrial statement in Word format to 2 Judge Drozd’s chambers at dadorders@caed.uscourts.gov. 3 The parties’ attention is directed to Local Rules 281 and 282. This court will insist upon 4 strict compliance with these rules. At the pretrial conference, the court will set deadlines to file 5 trial documents, including motions in limine, trial briefs, and proposed jury voir dire, instructions, 6 and verdict forms (where applicable).

7 VIII. JURY TRIAL

8 A jury trial is set for September 14, 2027 at 9:00 a.m. in Courtroom 4 before District 9 Court Judge Dale A. Drozd. Trial is anticipated to last 5–7 court days.

10 IX. REQUEST FOR BIFURCATION, APPOINTMENT OF SPECIAL MASTER, OR

11 OTHER TECHNIQUES TO SHORTEN TRIAL

12 The parties have not made any such requests at this time and do not anticipate any such 13 requests.

14 X. RELATED MATTERS PENDING

15 There is no related litigation.

16 XI. OBJECTIONS AND MODIFICATIONS TO THE SCHEDULING ORDER

17 This case schedule will become final without further order of the court unless 18 objections are

filed within fourteen (14) days of the entry of this order. The schedule, once 19 final, shall not be modified except by leave of court upon showing of good cause. The assigned 20 magistrate judge is authorized to modify only the discovery dates to the extent any such 21 modification does not impact the balance of the schedule of the case. 22 The parties are reminded that pursuant to Rule 16(b) of the Federal Rules of Civil 23 Procedure, no stipulations extending scheduling requirements or modifying applicable rules are 24 effective until and unless the court approves them. Agreement of the parties by stipulation alone 25 does not constitute good cause. Any request or stipulation to modify this scheduling order must 26 set forth: 27 (1) the existing due date or hearing date as well as the discovery cutoff date, the last 28 date for hearing motions, the final pretrial conference date, and the trial date; 1 (2) whether there have been prior requests for extensions, and whether these were 2 granted or denied by the court; and 3 (3) specific, concrete reasons supporting good cause for granting of the extension. For 4 example, if the reason for the requested extension is that it “will promote 5 settlement,” the requesting party or parties must indicate the status of ongoing 6 negotiations, 1.e., have written proposals been exchanged; is counsel in the process 7 of reviewing a draft settlement agreement; has a mediator been selected. 8 IT IS SO ORDERED. ” | Dated: _December 16, 2025 Dae A. 2, sel

10 DALE A. DROZD

UNITED STATES DISTRICT JUDGE

12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28