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CLERK OF DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY wp DEPUTY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

CROSSFIT, INC., a Delaware  
corporation,

Plaintiff,

vs.

NATIONAL STRENGTH AND  
CONDITIONING ASSOCIATION, a  
Colorado corporation,

Defendant.

CASE NO. 14cv1191-JLS(KSC)

**ORDER GRANTING JOINT  
MOTION TO EXTEND  
DISCOVERY DATES [Doc. No. 52]**

**SECOND AMENDED  
SCHEDULING ORDER  
REGULATING DISCOVERY AND  
OTHER PRE-TRIAL  
PROCEEDINGS**

Before the Court is the parties' Joint Motion to Extend Discovery Dates. [Doc. No. 52.] For the reasons stated in the parties' Joint Motion and for good cause shown, the parties' Joint Motion is GRANTED. Accordingly,

IT IS HEREBY ORDERED THAT:

1. All fact discovery shall be completed by all parties on or before **October 30, 2015**. "Completed" means that all discovery under Rules 30-36 of the Federal Rules of Civil Procedure, and discovery subpoenas under Rule 45, must be initiated a sufficient period of time in advance of the cut-off date, **so that it may be completed** by the cut-off date, taking into account the times for service, notice and response as set forth in the Federal Rules of Civil Procedure. **Counsel shall promptly**

1 **and in good faith meet and confer with regard to all discovery disputes in**  
 2 **compliance with Local Rule 26.1(a).** The Court expects counsel to make every effort  
 3 to resolve all disputes without court intervention through the meet and confer process.  
 4 All discovery motions must be filed within 45 days of the service of an objection,  
 5 answer, or response which become the subject of dispute, or the passage of a discovery  
 6 due date without response or production, and only after counsel have met and conferred  
 7 and have reached an impasse with regard to the particular issue. For oral discovery, the  
 8 event giving rise to the dispute is the completion of the transcript of the affected  
 9 portion of the deposition. In any case, the event giving rise to a discovery dispute is not  
 10 the date on which counsel reach an impasse in meet and confer efforts. If the discovery  
 11 dispute concerns written discovery requests, the parties shall submit a joint statement  
 12 entitled, "Joint Motion for Determination of Discovery Dispute" with the Court. (For  
 13 further information on resolving discovery disputes, see Judge Crawford's "Chambers'  
 14 Rules" which are accessible via the Court's website at [www.casd.uscourts.gov](http://www.casd.uscourts.gov).) **A**  
 15 **failure to comply in this regard will result in a waiver of a party's discovery issue.**  
 16 **Absent an order of the Court, no stipulation continuing or altering this**  
 17 **requirement will be recognized by the Court.**

18 2. The parties shall designate their respective experts in writing by  
 19 **November 30, 2015.** The parties must identify any person who may be used at trial to  
 20 present evidence pursuant to Rules 702, 703 or 705 of the Fed. R. Evid. This  
 21 requirement is not limited to retained experts. The date for exchange of rebuttal  
 22 experts shall be on or before **December 14, 2015.** The written designations shall  
 23 include the name, address and telephone number of the expert and a reasonable  
 24 summary of the testimony the expert is expected to provide. The list shall also include  
 25 the normal rates the expert charges for deposition and trial testimony.

26 3. On or before **January 18, 2016,** each party shall comply with the  
 27 disclosure provisions in Rule 26(a)(2)(A) and (B) of the Federal Rules of Civil  
 28 Procedure. This disclosure requirement applies to all persons retained or specially

1 employed to provide expert testimony, or whose duties as an employee of the party  
2 regularly involve the giving of expert testimony.

3 4. Any party shall supplement its disclosure regarding contradictory or  
4 rebuttal evidence under Rule 26(a)(2)(D) on or before **February 1, 2016**.

5 5. All expert discovery shall be completed by all parties on or before  
6 **March 1, 2016**. The parties shall comply with the same procedures set forth in the  
7 paragraph governing fact discovery.

8 6. Please be advised that failure to comply with discovery deadlines or any  
9 other discovery order of the Court may result in the sanctions provided for in Federal  
10 Rule of Civil Procedure 37, including a prohibition on the introduction of experts or  
11 other designated matters in evidence.

12 7. A Mandatory Settlement Conference shall be conducted on **March 10,**  
13 **2016** at **2:30 p.m.** in the chambers of Magistrate Judge Karen S. Crawford, United  
14 States Courthouse, 333 West Broadway, Suite 1010, San Diego, California 92101.  
15 Counsel or any party representing himself or herself shall submit confidential  
16 settlement briefs directly to chambers no later than **March 3, 2016**. **All parties are**  
17 **ordered to read and to fully comply with the settlement conference procedures set**  
18 **forth in Judge Crawford's Chambers Rules** which are accessible via the Court's  
19 website at [www.casd.uscourts.gov](http://www.casd.uscourts.gov).

20 8. All other pretrial motions must be filed on or before **March 28, 2016**.  
21 Counsel for the moving party must obtain a motion hearing date from the law clerk of  
22 the District Judge who will hear the motion. The period of time between the date you  
23 request a hearing for your motion and the hearing date set by the law clerk may vary  
24 from one District Judge to another. Please plan accordingly. Failure to make a timely  
25 request for a motion date may result in the motion not being heard.

26 9. Counsel shall file their Memoranda of Contentions of Fact and Law and  
27 take any other action required by Local Rule 16.1(f)(2) on or before **June 30, 2016**.

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1           10. Counsel shall comply with the pre-trial disclosure requirements of Federal  
2 Rule of Civil Procedure 26(a)(3) on or before **June 30, 2016**. Failure to comply with  
3 these disclosure requirements could result in evidence preclusion or other sanctions  
4 under Federal Rule of Civil Procedure 37.

5           11. Counsel shall meet and take the action required by Local Rule 16.1(f)(4)  
6 on or before **July 7, 2016**. At this meeting, counsel shall discuss and attempt to enter  
7 into stipulations and agreements resulting in simplification of the triable issues.  
8 Counsel shall exchange copies and/or display all exhibits other than those to be used  
9 for impeachment. The exhibits shall be prepared in accordance with Local Rule  
10 16.1(f)(4)(c). Counsel shall note any objections they have to any other parties' Pretrial  
11 Disclosures under Federal Rules of Civil Procedure 26(a)(3). Counsel shall cooperate  
12 in the preparation of the proposed pretrial conference order.

13           12. Counsel for plaintiff will be responsible for preparing the pretrial order  
14 and arranging the meetings of counsel pursuant to Civil Local Rule 16.1(f). On or  
15 before **July 14, 2016**, plaintiff's counsel must provide opposing counsel with the  
16 proposed pretrial order for review and approval. Opposing counsel must communicate  
17 promptly with plaintiff's attorney concerning any objections to form or content of the  
18 pretrial order, and both parties shall attempt promptly to resolve their differences, if  
19 any, concerning the order.

20           13. The Proposed Final Pretrial Conference Order, including objections to any  
21 other parties' Federal Rule 26(a)(3) Pretrial Disclosures shall be prepared, served and  
22 lodged with the assigned District Judge on or before **July 21, 2016**, and shall be in the  
23 form prescribed in and comply with Local Rule 16.1(f)(6).

24           14. The final Pretrial Conference is scheduled on the calendar of **Judge**  
25 **Sammartino** on **July 28, 2016** at **1:30 p.m.**

26           15. A post trial settlement conference before a Magistrate Judge may be held  
27 within 30 days of verdict in the case.

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1        16. The dates and times set forth herein will not be modified except for good  
2 cause shown.

3        17. Briefs or memoranda in support of or in opposition to any pending motion  
4 shall not exceed twenty-five (25) pages in length without leave of a District Court  
5 Judge. No reply memorandum shall exceed ten (10) pages without leave of a District  
6 Court Judge. Briefs and memoranda exceeding ten (10) pages in length shall have a  
7 table of contents and a table of authorities cited.

8        18. All other terms and conditions of the Scheduling Orders filed on  
9 October 3, 2014 [Doc. No. 24] and January 22, 2015 [Doc. No. 34] shall remain in full  
10 force and effect.

11        **IT IS SO ORDERED.**

12 Date: July 15, 2014

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16 KAREN S. CRAWFORD  
17 United States Magistrate Judge  
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