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U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
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**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
APPLICATION TO CONTINUE
THE DATES AND DEADLINES IN
THE THIRD AMENDED
SCHEDULING ORDER [Doc. No.
68]**

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

Before the Court is the parties' Joint Application to Continue Dates and Deadlines in the Third Amended Scheduling Order. [Doc. No. 68.] The reason for the parties' request for another extension of the dates in the Scheduling Order is that they wish to attend private mediation and were unable to obtain a date from a private mediator until March 16, 2016. In order to focus their efforts on mediation, the parties wish to delay the time and expense necessary to complete expert discovery. For the reasons outlined in the parties' Joint Motion and for good cause shown, the parties' Joint Application is GRANTED.

1 Based on foregoing, IT IS HEREBY ORDERED THAT:

2 1. On or before April 1, 2016, each party shall comply with the disclosure
3 provisions in Rule 26(a)(2)(A) and (B) of the Federal Rules of Civil Procedure. This
4 disclosure requirement applies to all persons retained or specially employed to provide
5 expert testimony, or whose duties as an employee of the party regularly involve the
6 giving of expert testimony.

7 2. Any party shall supplement its disclosure regarding contradictory or
8 rebuttal evidence under Rule 26(a)(2)(D) on or before April 15, 2016.

9 3. All expert discovery shall be completed by all parties on or before May 13,
10 2016. The parties shall comply with the same procedures set forth in the paragraph
11 governing fact discovery.

12 4. Please be advised that failure to comply with discovery deadlines or any
13 other discovery order of the Court may result in the sanctions provided for in Federal
14 Rule of Civil Procedure 37, including a prohibition on the introduction of experts or
15 other designated matters in evidence.

16 5. A Mandatory Settlement Conference shall be conducted on June 1, 2016
17 at 9:30 a.m. in the chambers of Magistrate Judge Karen S. Crawford, United States
18 Courthouse, 333 West Broadway, Suite 1010, San Diego, California 92101. Counsel
19 or any party representing himself or herself shall submit confidential settlement briefs
20 directly to chambers no later than May 25, 2016. **All parties are ordered to read and**
21 **to fully comply with the settlement conference procedures set forth in Judge**
22 **Crawford's Chambers Rules** which are accessible via the Court's website at
23 www.casd.uscourts.gov.

24 6. All other pretrial motions must be filed on or before July 11, 2016.
25 Counsel for the moving party must obtain a motion hearing date from the law clerk of
26 the District Judge who will hear the motion. The period of time between the date you
27 request a hearing for your motion and the hearing date set by the law clerk may vary

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1 7. from one District Judge to another. Please plan accordingly. Failure to
2 make a timely request for a motion date may result in the motion not being heard.

3 8. Counsel shall file their Memoranda of Contentions of Fact and Law and
4 take any other action required by Local Rule 16.1(f)(2) on or before **October 20, 2016**.

5 9. Counsel shall comply with the pre-trial disclosure requirements of Federal
6 Rule of Civil Procedure 26(a)(3) on or before **October 20, 2016**. Failure to comply
7 with these disclosure requirements could result in evidence preclusion or other
8 sanctions under Federal Rule of Civil Procedure 37.

9 10. Counsel shall meet and take the action required by Local Rule 16.1(f)(4)
10 on or before **October 27, 2016**. At this meeting, counsel shall discuss and attempt to
11 enter into stipulations and agreements resulting in simplification of the triable issues.
12 Counsel shall exchange copies and/or display all exhibits other than those to be used
13 for impeachment. The exhibits shall be prepared in accordance with Local Rule
14 16.1(f)(4)(c). Counsel shall note any objections they have to any other parties' Pretrial
15 Disclosures under Federal Rules of Civil Procedure 26(a)(3). Counsel shall cooperate
16 in the preparation of the proposed pretrial conference order.

17 11. Counsel for plaintiff will be responsible for preparing the pretrial order
18 and arranging the meetings of counsel pursuant to Civil Local Rule 16.1(f). On or
19 before **November 3, 2016**, plaintiff's counsel must provide opposing counsel with the
20 proposed pretrial order for review and approval. Opposing counsel must communicate
21 promptly with plaintiff's attorney concerning any objections to form or content of the
22 pretrial order, and both parties shall attempt promptly to resolve their differences, if
23 any, concerning the order.

24 12. The Proposed Final Pretrial Conference Order, including objections to any
25 other parties' Federal Rule 26(a)(3) Pretrial Disclosures shall be prepared, served and
26 lodged with the assigned District Judge on or before **November 10, 2016**, and shall be
27 in the form prescribed in and comply with Local Rule 16.1(f)(6).

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1 13. The final Pretrial Conference is scheduled on the calendar of **Judge**
2 **Sammartino** on **November 17, 2016** at **1:30 p.m.**

3 14. A post trial settlement conference before a Magistrate Judge may be held
4 within 30 days of verdict in the case.

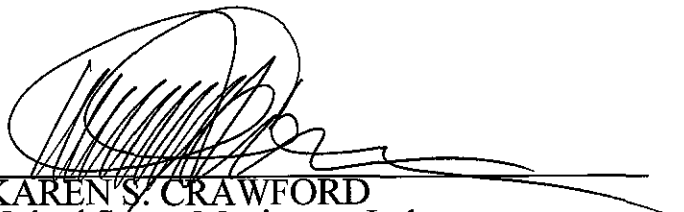
5 15. The dates and times set forth herein will not be modified except for good
6 cause shown.

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

12 17. All other terms and conditions of the Scheduling Orders filed on
13 October 3, 2014 [Doc. No. 24], January 22, 2015 [Doc. No. 34], July 16, 2015 [Doc.
14 No. 62], November 5, 2015 [Doc. No. 65], and January 27, 2016 shall remain in full
15 force and effect.

16 **IT IS SO ORDERED.**

17 Date: Feb. 10, 2016

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21 **KAREN S. CRAWFORD**
22 United States Magistrate Judge
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