

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA
3 SOUTHERN DIVISION

4
5 COLIBRI HEART VALVE LLC,
6

7 Plaintiff,

8 vs.

9 MEDTRONIC COREVALVE LLC et al.,
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11 Defendants.
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Case No.: SA CV 20-00847-DOC-JDE

**SCHEDULING ORDER & ORDER RE:
PRETRIAL AND TRIAL PROCEDURES**

Fact Discovery Cut-Off:

Jan. 25, 2021

Motion Cut-Off:

Aug. 2, 2021 @ 8:30 AM

Final Pretrial Conference:

Aug. 30, 2021 @ 8:30 AM

Jury Trial:

Sept. 14, 2021 @ 8:30 AM

17 This Scheduling Order governs the course of all pretrial and trial proceedings in this case.
18 For further guidance, consult the Federal Rules of Civil Procedure and the Local Rules.

19 **I. Court Appearances**

20 Parties shall be represented at all court appearances by lead counsel, the counsel expected
21 to be in charge of conducting trial on behalf of the parties. The parties (or counsel) must appear
22 in person for hearings and conferences before the Court. The Court does not permit telephonic
23 appearances.
24

25 Under no circumstances should counsel, or a party if the party is appearing *pro se*, fail to
26 appear at a court appearance unless their appearance has been waived by prior order of the
27 Court. Even if the parties have reached a settlement, counsel for all parties, or the party if
28 appearing *pro se*, must appear at court appearances until a stipulation of dismissal signed by all

1 **II. Settlement**

2 If the parties have agreed to appear before a neutral selected from the Court’s Mediation
3 Panel (ADR Procedure No. 2) or to participate in private mediation (ADR Procedure No. 3), the
4 parties shall notify the Court of the name and contact information of the mediator within twenty-
5 one (21) days of this Order if they have not already done so in their Rule 26(f) report.

6 If settlement is reached at any time in this litigation, the parties shall immediately notify
7 the Court by telephone, email, or by filing a notice of settlement. Local Rule 40-2. The Court’s
8 Courtroom Deputy Clerk can be reached at (714) 338-4543. The Court’s email address is
9 DOC_Chambers@cacd.uscourts.gov.

10 **III. Joinder of Parties and Amendment of Pleadings**

11 All motions to join other parties (including Doe or Roe defendants) or to amend the
12 pleadings shall be filed and served within sixty (60) days of the date of this Order and noticed
13 for hearing within ninety (90) days of this Order.

14 **IV. Discovery Cut-Off**

15 The Court has established a cut-off date for discovery in this action. All discovery is to be
16 completed on, or prior to, the cut-off date. Plan now to complete discovery on the schedule set; a
17 continuance is *unlikely*. Accordingly, the following discovery schedule shall apply in this
18 Court:

- 19 (1) Depositions: All depositions shall be scheduled to commence at least five (5)
20 working days prior to the discovery cut-off date. A deposition which commences
21 five (5) days prior to the discovery cut-off date may continue beyond the cut-off
22 date, as necessary.
- 23 (2) Written Discovery: All interrogatories, requests for production of documents, and
24 requests for admissions shall be served at least forty-five (45) days before the
25 discovery cut-off date. The Court will not approve stipulations between counsel
26 that permit responses to be served after the cut-off date except in unusual
27 circumstances and upon a showing of good cause.

1 (3) Discovery Motions: Any motion regarding the inadequacy of responses to
2 discovery must be filed and served no later than five (5) days after the discovery
3 cut-off date. Routine discovery motions will be referred to the magistrate judge
4 assigned to the case. Whenever possible, the Court expects counsel to resolve
5 discovery disputes among themselves in a courteous, reasonable, and professional
6 manner. Repeated resort to the Court for guidance in discovery is unnecessary and
7 may result in the Court appointing a Special Master at the joint expense of the
8 parties to resolve discovery disputes. The Court expects that counsel will strictly
9 adhere to the Civility and Professional Guidelines adopted by the United States
10 District Court for the Central District of California.

11 (4) Disclosure of Expert Testimony: The above discovery cutoff date includes expert
12 discovery, unless otherwise ordered by the Court, and the Court orders the
13 sequence of disclosures as provided by Fed. R. Civ. Proc. 26(a)(2)(D), unless the
14 parties otherwise stipulate in writing and obtain the Court's approval.

15 **V. Protective Orders and Under Seal Filings**

16 All protective orders are to be noticed before the magistrate judge assigned to your case,
17 unless otherwise ordered by Court.

18 Stipulated Protective orders or confidentiality orders generally do not control under seal
19 filings. Applications for under seal filings must state with specificity the basis for protection and
20 should not rely exclusively on the existence of a protective order. See Judge Carter's Initial
21 Standing Order for more information.

22 **VI. Motions Generally**

23 Counsel should note the timing and service requirements of Local Rules 6 and 7 and its
24 subparts including:

25 (1) Rule 6-1: Notice of motion and the moving papers must be filed and served
26 twenty-eight (28) days before the noticed hearing date, unless the notice is served
27 by mail, in which case service is required thirty-one (31) days prior to the noticed
28 hearing date.

1 (2) Rule 7-9: Opposing papers shall be filed twenty-one (21) calendar days before the
2 hearing date; and

3 (3) Rule 7-10: Reply papers, if any, shall be filed fourteen (14) calendar days before
4 the hearing date.

5 (4) Rule 7-11: If the hearing date is continued, the deadlines for filing opposing and
6 reply papers are automatically extended unless the Court orders otherwise.

7 Counsel must comply with the timing requirements of the Local Rules so that chambers
8 can properly prepare for motion matters.

9 **VII. Motions for Summary Judgment**

10 The motion cut-off date is the day that the Court will hear motions for summary
11 judgment. Thus, motions must be filed several weeks in advance of this date as required by
12 Local Rule 6.

13 In general, the Court will hear only one motion for summary judgment per party. Cross
14 motions for summary judgment will all be heard on the same day, after the close of discovery. In
15 other words, the Court will not entertain piecemeal motions for partial summary judgment
16 before the factual record is complete.

17 All motions (except motions *in limine* dealing with admissibility of evidence) must be
18 disposed of before the Final Pretrial Conference.

19 **A. Moving Party's Statement of Uncontroverted Facts and Conclusions of** 20 **Law**

21 The uncontroverted facts shall be set forth in a two column format. The left hand column
22 shall set forth the allegedly undisputed fact. The right hand column shall set forth the evidence
23 that supports the factual statement. The fact statements shall be set forth in sequentially
24 numbered rows. Each cell should contain a narrowly focused statement of fact, and address a
25 single subject in as concise a manner as possible.

26 **SUF Example**

1	SUF #/ Undisputed Fact	Evidence
2	#1 (Moving party's first undisputed fact)	(citations to supporting evidence)
3	#2 (Moving party's second undisputed fact)	(citations to supporting evidence)

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5 **B. Opposing Party's Statement of Genuine Disputes of Material Fact**

6 The first part of the opposing party's Statement of Genuine Disputes shall track the
7 moving party's Statement of Uncontroverted Facts. It shall be set forth in a two column format.
8 The left hand column shall restate the allegedly undisputed fact and supporting evidence, and
9 the right hand column shall state either that the fact is undisputed or disputed. The opposing
10 party may dispute all or only a portion of the allegedly undisputed fact, but if disputing only a
11 portion, the opposing party must specify clearly what portion is being disputed.

12 To demonstrate that a fact is disputed, the opposing party shall briefly state why it
13 disputes the moving party's allegedly undisputed fact, cite to the relevant exhibit or other
14 evidence controverting the allegedly undisputed fact, and describe what it is in that exhibit or
15 evidence that controverts the allegedly undisputed fact.

16 If the opposing party objects to the evidence supporting an allegedly undisputed fact, the
17 party shall state in the right hand column the presence of that objection, by simply stating
18 "Evidentiary Objection." The specific grounds of each objection should be included in a
19 separate table.

20 No legal argument shall be set forth in this document.

21 The opposing party may also specify additional material facts that bear on or relate to the
22 issues raised by the moving party, which shall follow the same two column format described
23 above for the moving party's Statement of Uncontroverted Facts. These additional facts shall
24 continue in sequentially numbered paragraphs (i.e., if the moving party's last allegedly
25 undisputed fact was set forth as ¶ 30, then the first new allegedly undisputed fact specified by
26 the opposing party shall be set forth as ¶ 31).

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