

Filer Copy

1 STATSET.LKK (rev. 3/00)

FILED
March 31, 2003
CLERK, US DISTRICT COURT
EASTERN DISTRICT OF
CALIFORNIA
K Carlos
DEPUTY CLERK

2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 NATIONAL CITY BANK OF INDIANA
11 , et. al.,

12 Plaintiff(s),

NO. CIV. S-03-655 LKK DAD

13 V.

ORDER SETTING STATUS
(PRETRIAL SCHEDULING)
CONFERENCE

14 DEMETRIOS A BOUTRIS,

15 Defendants. /

16
17 This action has been assigned to the Honorable LAWRENCE K.
18 KARLTON. Pursuant to the provisions of Federal Rule of Civil
19 Procedure 16, as amended December 1, 1993, IT IS HEREBY ORDERED
20 that:

21 1. A Status (Pretrial Scheduling) Conference is SET
22 for May 19, 2003 at 2:30 p.m., before Judge Karlton in
23 Chambers/Courtroom No. 4.

24 ////

25 ////

26 ////

1 2. In order to enable the court to comply with the 120-day
2 time limit specified in Fed. R. Civ. P. 16(b), plaintiff SHALL
3 COMPLETE SERVICE OF PROCESS ON ALL PARTIES WITHIN FORTY-FIVE (45)
4 DAYS OF THE DATE OF FILING THE COMPLAINT HEREIN.

5 3. Concurrently with the service of process, or as soon
6 thereafter as possible, plaintiff shall serve upon each of the
7 parties named in the complaint, and upon all parties subsequently
8 joined, a copy of this order, and shall file with the clerk a
9 certificate reflecting such service. Any party who impleads a
10 third-party defendant shall serve upon that party a copy of this
11 order, and shall file with the clerk a certificate reflecting such
12 service.

13 4. In the event that this action was reassigned to Judge
14 Karlton from another judge, plaintiff shall serve upon all parties
15 to this action a copy of this order, and shall file with the clerk
16 a certificate reflecting such service.

17 5. Any non-governmental corporate party to an action in this
18 court shall file a statement identifying all its parent
19 corporations and listing any publicly held company that owns 10%
20 or more of the party's stock. Defendant shall file the statement
21 with its initial pleading filed in the court and plaintiff shall
22 file the statement not later than ten (10) days after filing the
23 complaint. The parties shall supplement the statement within a
24 reasonable time of any change in the information.

25 6. In the event this action was originally filed in a state
26 court and thereafter removed to this court, **the removing party or**

1 parties shall, immediately following such removal, serve upon each
2 of the other parties and upon all parties subsequently joined, a
3 copy of this order, and shall file with the clerk a certificate
4 reflecting such service.

5 7. All parties to the action shall appear at the Status
6 Conference through counsel (or in person, if acting without
7 counsel). UNLESS SPECIFICALLY DIRECTED OTHERWISE, COUNSEL LOCATED
8 OUTSIDE THE COUNTY OF SACRAMENTO MAY APPEAR BY TELEPHONE, PROVIDED
9 THAT:

10 (a) THE ACTION DOES NOT INVOLVE A LITIGANT APPEARING IN
11 PROPRIA PERSONA. IN SUCH CASES, ALL COUNSEL AND LITIGANTS
12 PERSONALLY APPEAR; and

13 (b) COUNSEL STATE IN THEIR TIMELY-FILED STATUS REPORTS
14 AS REQUIRED BY THIS ORDER THEIR DESIRE TO SO APPEAR, AND THEREIN
15 PROVIDE THE TELEPHONE NUMBER THEY WILL BE CALLING FROM; and

16 (c) PLACE THE CALL TO CHAMBERS THEMSELVES BY CALLING
17 (916) 930-4130, AT EXACTLY THE TIME THE CONFERENCE IS SCHEDULED TO
18 BEGIN. IF MORE THAN ONE PARTY DESIRES TO APPEAR BY TELEPHONE,
19 COUNSEL MUST MAKE ARRANGEMENTS AMONG THEMSELVES TO SET UP THE
20 CONFERENCE CALL AT THE SCHEDULED TIME WITH ALL PARTICIPANTS ON THE
21 LINE BEFORE CALLING CHAMBERS. A FAILURE TO PLACE THE TELEPHONE
22 CALL AT THE APPROPRIATE TIME WILL BE TREATED AS A FAILURE TO APPEAR
23 AND MAY SUBJECT COUNSEL TO SANCTIONS.

24 8. The parties shall file with the court and serve upon all
25 other parties, not later than 4:30 p.m., ten (10) days preceding
26 the conference, a Status Report. **ANY PARTY FAILING TO FILE A**

1 TIMELY STATUS REPORT PURSUANT TO THIS ORDER MAY BE SUBJECTED TO
2 MONETARY SANCTIONS AND/OR THE DISMISSAL OF THE COMPLAINT OR
3 STRIKING OF THE ANSWER. The Status Report shall briefly set out
4 the views of the party making the report on the following matters:

5 (a) Name(s) of the parties counsel represents;

6 (b) A brief summary of the facts alleged in each
7 complaint and a characterization of the legal theories under which
8 recovery is sought or liability denied. The characterization of
9 the legal theories does not require legal argument, but only a
10 description of the legal theory (or theories);

11 (c) Progress in the service of process;

12 (d) Possible joinder of additional parties;

13 (e) Any expected or desired amendment of pleadings;

14 (f) Specifying the statutory basis for jurisdiction and
15 venue;

16 (g) Anticipated motions and the scheduling thereof;

17 (h) Anticipated discovery and the scheduling thereof;

18 In this regard, the parties shall discuss whether deferral of
19 discovery pursuant to Fed. R. Civ. 26(d) is appropriate, any
20 order affecting discovery pursuant to Fed. R. Civ. P. 26 and 29-37
21 is desired, and whether a discovery conference under Fed. R. Civ.
22 P. 26(f) should be held;

23 (i) Future proceedings, including setting appropriate
24 cut-off dates for discovery, law and motion, and the scheduling of
25 the pretrial conference and trial;

26 ///

1 (j) Appropriateness of special procedures such as
 2 agreement to try the matter before a magistrate judge pursuant to
 3 28 U.S.C. § 636(c), or reference to a special master, or to the
 4 Judicial Panel on Multidistrict Litigation, or application of the
 5 Manual for Complex Litigation, binding arbitration in Superior
 6 Court;

7 (k) Whether any of the parties has timely demanded a
 8 trial by jury;

9 (l) Estimate of trial time;

10 (m) Modification of standard pretrial procedures
 11 specified by the local rules due to the relative simplicity or
 12 complexity of the action;

13 (n) Whether the case is related to any other case,
 14 including any matters in bankruptcy;

15 (o) Whether counsel will stipulate to the trial judge
 16 acting as settlement judge and waive any disqualification by virtue
 17 thereof, or whether the parties prefer to have a settlement
 18 conference before another judge;

19 (p) The report of the parties concerning use of the
 20 Voluntary Dispute Resolution Program pursuant to Local Rule 16-271;

21 (q) Any other matters which may be conducive to the
 22 just, efficient, and economical determination of the action.

23 Following the Status (Pretrial Scheduling) Conference, the
 24 court will issue a written order regarding the future course of
 25 this litigation.

26 ///

1 9. Requests for continuance of Status Conferences are not
 2 favored and will not be granted in the absence of a true emergency
 3 and, in any event, will not be entertained unless made in writing
 4 at least **THREE (3) DAYS** prior to the scheduled conference.

5 10. At the time of filing a motion or an opposition thereto,
 6 counsel are requested to deliver to the court a copy on a 3½"
 7 floppy disk compatible with WordPerfect 8.0 or e-mail a copy to the
 8 Judge's Secretary, Tim Hinkle, at **thinkle@caed.uscourts.gov**

9 11. Counsel are hereby reminded of their continuing duty to
 10 immediately notify the courtroom deputy at (916) 930-4133 and the
 11 Judge's Chambers in writing, of any settlement or other disposition
 12 (Local Rule 16-160).

13 DATE: March 31, 2003

LAWRENCE K. KARLTON
 SENIOR JUDGE
 UNITED STATES DISTRICT COURT

by: K Carlos
 Deputy Clerk

14
15
16
17
18
19
20
21
22
23
24
25
26