

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

**LISA BOE, ET AL.,**

Plaintiffs,

NO. 2:10-CV-00181-FCD-CMK

v.

**CHRISTIAN WORLD ADOPTION, INC., ET  
AL.,**

**ORDER REQUIRING JOINT  
STATUS REPORT**

Defendants.

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This action has been assigned to the Honorable Frank C. Damrell, Jr. Pursuant to the provisions of Rule 16 of the Federal Rules of Civil Procedure, IT IS HEREBY ORDERED THAT:

1. Plaintiff(s) shall complete service of process on all parties within one hundred and twenty (120) days of the date of the filing of the complaint;
2. Concurrently with the service of process, or as soon thereafter as possible, plaintiff(s) shall serve upon each of the parties named in the complaint, and upon all parties subsequently joined, a copy of this order, and shall file with the Clerk of the Court a certificate reflecting such service. Any party who impleads a third-party defendant shall serve upon that party a copy of this order, and shall file with the Clerk of the Court a certificate reflecting such service;
3. In the event this action was originally filed in a state court and was thereafter removed to this court, the removing party or parties shall, immediately following such removal, serve upon each of the other parties named in the complaint, and upon all parties subsequently joined, a copy of this order and shall file with the Clerk of the Court a certificate reflecting such service;
4. Within sixty (60) days of service of the complaint **on all parties**, or from the date of removal, the parties shall confer as required by Fed. R. Civ. P. 26(f) and shall prepare and submit to the court a **joint status report** that includes the Rule 26(f) discovery plan. **The parties are instructed to submit a Joint Status Report with all named parties participating in its completion. If this cannot be accomplished plaintiff's counsel shall contact the undersigned for further instructions prior to the submission of any report.** The status report shall address the following matters:
  - (a) a brief summary of the claims and legal theories under which recovery is sought or liability is denied;
  - (b) status of service upon all defendants and cross-defendants;

- (c) possible joinder of additional parties;
- (d) contemplated amendments to the pleadings;
- (e) the statutory basis for jurisdiction and venue;
- (f) anticipated discovery and the scheduling of discovery, including:
  - (1) what changes, if any, should be made in the timing, form, or requirement for disclosures under Rule 26(a), including a statement as to when disclosures under Rule 26(a)(1) were made or will be made;
  - (2) the subjects on which discovery may be needed; when discovery should be completed, and whether discovery should be conducted in phases;
  - (3) what changes, if any, should be made in the limitations on discovery imposed under the Civil Rules and what other limitations, if any, should be imposed;
  - (4) the timing of the disclosure of expert witnesses and information required by Rule 26(a)(2); and
  - (5) proposed dates for discovery cut-off;
- (g) contemplated dispositive motions and proposed date by which all non-discovery motions shall be heard;
- (h) proposed date for final pretrial conference;
- (i) proposed date for trial, estimate of days of trial, and whether any party has demanded a jury;
- (j) appropriateness of special procedures such as reference to a special master or agreement to try the matter before a magistrate judge pursuant to 28 U.S.C. 636(c);
- (k) proposed modification of standard pretrial procedures because of the simplicity or complexity of the case;
- (l) whether the case is related to any other case pending in this district, including the bankruptcy courts of this district;

(m) prospects for settlement, including whether a settlement conference should be scheduled and whether, in the case of a jury trial, the parties will stipulate to the trial judge acting as settlement judge; and

(n) any other matters that may be conducive to the just and expeditious disposition of the case.

5. The Court, upon review of the joint status report may:

(a) by minute order, set a status conference to be held either by telephone or in person; or

(b) issue a scheduling order incorporating the suggestions of counsel as contained in the joint status report.

6. In the rare event the parties are not able to file a joint status report, each party must file an individual status report and attach a declaration setting forth, in detail, the circumstances that prevented the parties from filing a joint status report.

7. If a status conference is held, a formal order will be issued regarding future proceedings in the case. Counsel are directed to read the order carefully. Request to modify or vacate any date set forth in the order are not favored and will not be granted absent good cause.

8. All purely legal issues are to be resolved by timely pretrial motions. Motions shall be filed in accordance with L.R. 230(b). **The court places a page limit of twenty (20) pages on all moving papers. Opposition papers shall be filed in accordance with L.R. 230(c) and the court places a page limit of twenty (20) pages on oppositions, and a page limit of ten (10) pages for replies. All requests for page limit increases must be made through the courtroom deputy clerk at least fourteen (14) days prior to the filing of the motion.** Any party that does not oppose the granting of the motion shall file a statement of non-opposition in accordance with L.R. 230(c). **The failure to file an opposition or statement of non-opposition in accordance with L.R. 230(c) may be deemed consent to the granting of the motion and the court may dispose of the motion summarily.** *Brydes v. Lewis*, 18 F.3d 651, 652–53 (9th Cir. 1994).

9. Counsel are reminded of their continuing duty pursuant to L.R. 160 to immediately notify the courtroom deputy and chambers of any settlement or other disposition of the case.

Dated: January 22, 2010

/s/ M. Krueger

Michele Krueger

Courtroom Deputy

(916) 930–4163 fax (916) 491–3932

email: mkrueger@caed.uscourts.gov

Proposed orders to: fcdorders@caed.uscourts.gov

**NOTICE OF AVAILABILITY OF A MAGISTRATE JUDGE  
TO EXERCISE JURISDICTION AND APPEAL INSTRUCTIONS**

You are hereby notified in accordance with 28 U.S.C §636(c), F.R.Civ.P.73 and Local Rule 305, the United States Magistrate Judges sitting in Sacramento and Fresno are available to exercise the court's case dispositive jurisdiction and to conduct any or all case despositive proceedings in this action, including motions to dismiss, motions for summary judgment, a jury or nonjury trial, and entry of a final judgment. Exercise of this jurisdiction by a Magistrate Judge is however, permitted only if all parties voluntarily consent. You may, without adverse substantive consequences, withhold your consent, but this will prevent the court's case dispositive jurisdiction from being exercised by a Magistrate Judge.

Any appeal from a judgment entered by a Magistrate Judge is taken directly to the United States Court of Appeals for the Ninth Circuit or, where appropriate, for the Federal Circuit in the same manner as an appeal from any other judgment of a District Court.

Whether or not the parties consent to pursuant to 28 U.S.C. § 636(c) the assigned Magistrate Judge will hear all motions except those case dispositive motions set forth in 28 U.S.C. § 636(b)(1)(A).

A copy of the Form for "Consent to / Decline of Jurisdiction of United States Magistrate Judge" is attached hereto for pro per use and attorney information. This form is available in fillable .pdf format on the court's web site at [www.caed.uscourts.gov](http://www.caed.uscourts.gov) for all attorney ECF filers. This form may be filed through CM/ECF or by pro se litigants at the appropriate Clerk's Office location.

Office of the Clerk  
501 I Street, Room 4–200  
Sacramento, CA 95814

Office of the Clerk  
2500 Tulare Street , Suite 1501  
Fresno, CA 93721

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

**LISA BOE , ET AL. ,**  
Plaintiff(s)/Petitioner(s),

vs.

CASE NO. **2:10-CV-00181-FCD-CMK**

**CHRISTIAN WORLD ADOPTION, INC. , ET AL. ,**  
Defendant(s)/Respondents(s).

**IMPORTANT**

**IF YOU CHOOSE TO CONSENT OR DECLINE TO CONSENT TO JURISDICTION OF  
A UNITED STATES MAGISTRATE JUDGE, CHECK AND SIGN THE APPROPRIATE  
SECTION OF THIS FORM AND RETURN IT TO THE CLERK'S OFFICE.**

**CONSENT TO JURISDICTION OF  
UNITED STATES MAGISTRATE JUDGE**

In accordance with the provisions of Title 28, U.S.C Sec. 636(c)(1), the undersigned hereby voluntarily consents to have a United States Magistrate Judge conduct all further proceedings in this case, including trial and entry of final judgment, with direct review by the Ninth Circuit Court of Appeals, in the event an appeal is filed.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

( ) Plaintiff/Petitioner ( ) Defendant/Respondent

( ) Counsel for \* \_\_\_\_\_

**DECLINE OF JURISDICTION OF  
UNITED STATES MAGISTRATE JUDGE**

Pursuant to Title 28, U.S.C. Sec 636(c)(2), the undersigned acknowledges the availability of a United States Magistrate Judge but hereby declines to consent.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

( ) Plaintiff/Petitioner ( ) Defendant/Respondent

( ) Counsel for \* \_\_\_\_\_

*\*If representing more than one party, counsel must indicate name of each party responding.*

## NOTICE OF AVAILABILITY

### VOLUNTARY DISPUTE RESOLUTION

Pursuant to the findings and directives of Congress in 28 U.S.C. §§ 651 *et seq.*, and in recognition of the economic burdens and delay in the resolution of disputes that can be imposed by full formal litigation, Local Rule 271 governs the referral of certain actions to the Voluntary Dispute Resolution Program ("VDRP") at the election of parties. Plaintiff or removing party is to provide all other parties with copies of the notice at the time service is effected or, for parties already served, no more than fourteen (14) days after receiving notice from the Court. After filing of the original complaint or removal action, any party who causes a new party to be joined in the action shall promptly serve a copy of the notice on the new party.

It is the Court's intention that the VDRP shall allow the participants to take advantage of a wide variety of alternative dispute resolution methods. These methods may include, but are not limited to, mediation, negotiation, early neutral evaluation and settlement facilitation. The specific method or methods employed will be determined by the Neutral and the parties.

**PLEASE TAKE NOTICE** that pursuant to Local Rule 271, *this Local Rule applies to* all civil actions pending before any District Judge or Magistrate Judge in the District except that actions in the following categories are exempt from presumptive inclusion: (i) prisoner petitions and actions, including habeas corpus petitions, (ii) actions in which one of the parties is appearing *pro se*, (iii) voting rights actions, (iv) social security actions, (v) deportation actions, (vi) Freedom of Information Act actions, and (vii) actions involving the constitutionality of federal, state or local statutes or ordinances. The fact that a case falls in a category that is exempt from the presumptive applicability of this Local Rule neither (1) precludes the parties to such a case from agreeing to participate in an Alternative Dispute Resolution ("ADR") process, nor (2) deprives the Court of authority to compel participation in an appropriate ADR proceeding.

Parties may elect Voluntary Dispute Resolution with the Court indicating that all parties to the action agree to submit the action to VDRP pursuant to Local Rule 271. Actions may not be assigned to VDRP over the objection of a party. (Copy of sample stipulation attached hereto.) **At the time of filing, a copy of the stipulation shall be provided to the VDRP Administrator designated below:**

#### Sacramento Cases

Voluntary Dispute Resolution  
Program Administrator  
United States District Court  
501 "I" Street , Suite 4-200  
Sacramento, CA 95814  
(916) 930-4280

#### Fresno Cases

Voluntary Dispute Resolution  
Program Administrator  
United States District Court  
2500 Tulare Street , Suite 1501  
Fresno, CA 93721  
(559) 499-5600

Attorney Identification  
(include State Bar number)

Attorney(s) for:

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

**LISA BOE, ET AL.,**  
Plaintiff(s)

NO. 2:10-CV-00181-FCD-CMK

v.

STIPULATION TO ELECT  
REFERRAL OF ACTION TO VOLUNTARY  
DISPUTE RESOLUTION PROGRAM (VDRP)  
PURSUANT TO LOCAL RULE 271

**CHRISTIAN WORLD ADOPTION, INC., ET AL.,**  
Defendant(s)

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Pursuant to Local Rule 271, the parties hereby agree to submit the above-entitled action to  
the Voluntary Dispute Resolution Program.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Name:  
Attorney(s) for Plaintiff(s)

\_\_\_\_\_  
Name:  
Attorney(s) for Defendant(s)