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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CRYTEK GMBH

Plaintiff(s),

v.

CLOUD IMPERIUM GAMES CORP. , et al.

Defendant(s).

CASE NO:

2:17-cv-08937-DMG-FFM

SCHEDULING MEETING OF  
COUNSEL [Fed. R. Civ. P. 16, 26(f)]

SCHEDULING CONFERENCE  
set for:  
October 12, 2018 at 09:30 AM

This case has been assigned to the calendar of United States District Judge Dolly M. Gee. The responsibility for the progress of litigation in the federal courts falls not only upon the attorneys in the action, but upon the court as well.

In order “to secure the just, speedy, and inexpensive determination of every action,” (Fed. R. Civ. P. 1), all counsel are hereby ordered to familiarize themselves with the Federal Rules of Civil Procedure and the Local Rules of the Central District of California.

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1 A Scheduling Conference is set for the date and time set forth in the  
2 caption.<sup>1</sup> Counsel shall meet at least twenty-one (21) days in advance of the  
3 Scheduling Conference to prepare a jointly signed report for the court to be  
4 submitted no less than fourteen (14) days before the Scheduling Conference. The  
5 report is to contain the items set forth below. Pursuant to Fed. R. Civ. P. 16(c),  
6 the parties shall be represented by counsel with authority to enter into stipulations  
7 regarding all matters pertaining to conduct of the case.

8 The joint report to be submitted shall contain the items listed in Fed. R. Civ.  
9 P. 26(f), the parties' recommendations and agreements, if any, about the final  
10 scheduling order as listed in Fed. R. Civ. P. 16(b)(1) through (6), and those items  
11 listed in Fed. R. Civ. P. 16(c) which counsel believe will be useful to discuss at  
12 the Scheduling Conference. Items which must be addressed are the following:

- 13 (1) initial disclosures, preservation of  
14 discoverable informaion, and a discovery  
15 plan, including a listing and proposed  
16 schedule of written discovery, depositions,  
17 and a proposed discovery cut-off date;
- 18 (2) a listing and proposed schedule of law and  
19 motion matters, and a proposed dispositive  
20 motion cut-off date;
- 21 (3) a statement of what efforts have been made  
22 to settle or resolve the case to date and what  
23 settlement procedure is recommended  
24 pursuant to Local Rule 16-15.4 (specifically  
25 excluding any statement of the terms  
discussed);
- 26 (4) an estimated length of trial and proposed  
27 date for the final pretrial conference and for  
28 trial;
- (5) a discussion of other parties likely to be  
added;

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<sup>1</sup>Unless there is a likelihood that upon motion by a party the Court would order that any or all discovery is premature, it is advisable for counsel to begin to conduct discovery actively before the Scheduling Conference required by Fed. R. Civ. P. 16(b). At the very least, the parties shall comply fully with the letter and spirit of Fed. R. Civ. P. 26(a) and thereby obtain and produce most of what would be produced in the early stage of discovery, because at the Scheduling Conference the Court will impose tight deadlines to complete discovery.

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- (6) whether a trial will be by jury or to the court;
- (7) any other issues affecting the status or management of the case; and
- (8) proposals regarding severance, bifurcation or other ordering proof.

In addition, the Scheduling Conference Report shall contain the following:

- (1) a short synopsis of the principal issues in the case;
- (2) a statement of whether pleadings are likely to be amended;
- (3) a statement as to issues which any party believes may be determined by motion.

At the Scheduling Conference, the court will set a date for discovery cut-off,<sup>2</sup> a final date by which motions must be filed and served, a final pretrial conference date, and a trial date.

To facilitate the scheduling process, counsel shall **complete the Schedule of Pretrial and Trial Dates form attached as Exhibit A to this Order and attach it to the Joint Rule 26(f) Report.** The Court urges the parties to make every effort to agree upon joint dates and deadlines. The entries in the “Time Computation” column reflect what the Court believes are appropriate for most cases and will allow the Court to rule on potentially dispositive motions sufficiently in advance of the final pretrial conference. The form is designed to enable counsel to ask the Court to set different (earlier) last dates by which the key requirements must be completed.

A continuance of the Scheduling Conference will be granted only for good

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<sup>2</sup>This is not the date by which discovery requests must be served; but the date by which all discovery is to be completed. Any motion challenging the adequacy of discovery responses must be filed timely, served and calendared sufficiently in advance of the discovery cut-off date to permit the responses to be obtained before that date, if the motion is granted. The Court requires compliance with Local Rule 37-1 and 37-2 in the preparation and filing of discovery motions. Except in the case of an extreme emergency which was not created by the lawyer bringing the motion, discovery motions may not be heard on an *ex parte* basis.

1 cause. **The failure to submit a joint report in advance of the Scheduling**  
2 **Conference or the failure to attend the Scheduling Conference may result in**  
3 **the dismissal of the action, striking the answer and entering a default, and/or**  
4 **the imposition of sanctions.**

5 An alternative dispute resolution (ADR) procedure appropriate to the  
6 particular case will be used in every civil action pursuant to Local Rule 16-15.1.  
7 In the Scheduling Conference Report, counsel are to recommend a specific ADR  
8 procedure provided for in Local Rule 16-15 which will be utilized in this case.  
9 See L.R. 26-1(c). If counsel have received a Notice to Parties of Court-Directed  
10 ADR Program (ADR-08), the case will be presumptively referred to the Court  
11 Mediation Panel or to private mediation. *See* General Order 11-10, § 5.1.  
12 Nonetheless, available alternatives for consideration, not to the exclusion of  
13 others, include:

- 14 (1) a settlement conference before the  
15 magistrate or district judge assigned to this  
case (Local Rule 16-15.4(1));
- 16 (2) appearance before an attorney selected from  
17 the Attorney Settlement Officer Panel (Local  
Rule 16-15.4(2));
- 18 (3) appearance before a retired judicial officer  
19 or other private or non-profit dispute  
20 resolution body for non-judicial settlement  
or mediation proceedings (Local Rule 16-  
15.4(3));
- 21 (4) such other settlement mechanism proposed  
22 by the parties and approved by the court.

23 The report to the court as to the above items should be preceded by a  
24 thorough and frank discussion among the attorneys for the parties. A Joint  
25 Scheduling Report which does not comply with Fed. R. Civ. P. 16, 26(f), and this  
26 Order may cause continuance of the Scheduling Conference and a possible award  
27 of sanctions under Rule 16(f) against the party or parties responsible.

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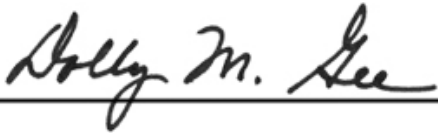
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Counsel for plaintiff shall immediately serve this Order on all parties,  
including any new parties to the action.

The Court appreciates Counsel's anticipated cooperation and compliance  
with this Order.

**IT IS SO ORDERED.**

DATED: September 6, 2018



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DOLLY M. GEE  
UNITED STATES DISTRICT JUDGE

Judge Dolly M. Gee

**SCHEDULE OF PRETRIAL & TRIAL DATES WORKSHEET**

Case No. \_\_\_\_\_ Case \_\_\_\_\_

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

MATTER	JOINT REQUESTED DATE or PLNTF/DEFT REQUESTED DATE	TIME
TRIAL [ ] Court [ ] Jury		8:30 a.m.
Duration Estimate:	(Tuesday)	
<b>FINAL PRETRIAL CONFERENCE (“FPTC”)</b>		2:00 p.m.
4 wks before trial	(Tuesday)	

MATTER	TIME COMPUTATION	JOINT REQUESTED DATE or PLNTF/DEFT REQUESTED DATE
Amended Pleadings and Addition of Parties Cut-Off (includes hearing of motions to amend)	90 days after scheduling conf	
Non-Expert Discovery Cut-Off (includes hearing of discovery motions)	at least 14 wks before FPTC	
Motion Cut-Off (filing deadline)	at least 13 wks before FPTC	
Initial Expert Disclosure & Report Deadline	at least 9 wks before FPTC	
Rebuttal Expert Disclosure & Report Deadline	at least 5 wks before FPTC	
Expert Discovery Cut-Off (includes hearing of discovery motions)	at least 3 wks before FPTC	
Settlement Conference Completion Date	at least 4 wks before FPTC	
Motions in Limine Filing Deadline	at least 3 wks before FPTC	
Opposition to Motion in Limine Filing Deadline	at least 2 wks before FPTC	
Other Dates: (e.g., class cert motion cut-off, early mediation, etc.)	at least 90 days after complaint served (unless longer time justified)	

**EXHIBIT A**