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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

IN RE: AMERANTH
CASES,

CASE NOS.

11cv1810 DMS (WVG)	12cv1643 DMS (WVG)
12cv0729 DMS (WVG)	12cv1644 DMS (WVG)
12cv0731 DMS (WVG)	12cv1646 DMS (WVG)
12cv0732 DMS (WVG)	12cv1648 DMS (WVG)
12cv0733 DMS (WVG)	12cv1649 DMS (WVG)
12cv0737 DMS (WVG)	12cv1650 DMS (WVG)
12cv0739 DMS (WVG)	12cv1651 DMS (WVG)
12cv0742 DMS (WVG)	17cv1093 DMS (WVG)
12cv0858 DMS (WVG)	12cv1653 DMS (WVG)
12cv1627 DMS (WVG)	12cv1654 DMS (WVG)
12cv1629 DMS (WVG)	12cv1655 DMS (WVG)
12cv1630 DMS (WVG)	12cv1656 DMS (WVG)
12cv1631 DMS (WVG)	13cv0350 DMS (WVG)
12cv1633 DMS (WVG)	13cv0352 DMS (WVG)
12cv1634 DMS (WVG)	13cv0353 DMS (WVG)
12cv1636 DMS (WVG)	13cv1072 DMS (WVG)
12cv1640 DMS (WVG)	14cv1303 DMS (WVG)
12cv1642 DMS (WVG)	12cv2350 DMS (WVG)

**CASE MANAGEMENT CONFERENCE ORDER
REGULATING DISCOVERY AND OTHER
PRETRIAL PROCEEDINGS (FOOD
ORDERING COMPANIES)**

On December 11, 2017, the Court held a case management conference with counsel for the parties in these consolidated cases. After consulting with counsel and being advised of the status of the case, and good cause appearing, **IT IS HEREBY ORDERED:**

1 1. As to the Food Ordering Companies, the following schedule shall apply:

2 a. All discovery, fact and expert, shall be completed on or before **August 13,**
3 **2018.** "Completed" means that all discovery under Rules 30-36 of the Federal Rules
4 of Civil Procedure, and discovery subpoenas under Rule 45, must be initiated a
5 sufficient period of time in advance of the cut-off date, so that it may be completed by
6 the cut-off date, taking into account the times for service, notice, and response as set
7 forth in the Federal Rules of Civil Procedure, and any motions and the resolution of any
8 discovery disputes. All disputes concerning discovery shall be brought to the attention
9 of the Magistrate Judge no later than thirty (30) days following the date upon which the
10 event giving rise to the discovery dispute occurred. Counsel shall meet and confer
11 pursuant to the requirements of Fed. R. Civ. P. 26 and Local Rule 26.1(a).

12 b. On or before **May 14, 2018,** all parties shall exchange with all other parties
13 a list of all expert witnesses expected to be called at trial. The list shall include the
14 name, address, and telephone number of the expert and a brief statement identifying the
15 subject areas as to which the expert is expected to testify. The list shall also include the
16 normal rates the expert charges for deposition and trial testimony. On or before **May**
17 **28, 2018,** any party may supplement its designation in response to any other party's
18 designation so long as that party has not previously retained an expert to testify on that
19 subject.

20 c. Each expert witness designated by a party shall prepare a written report to
21 be provided to all other parties **no later than June 28, 2018,** containing the information
22 required by Fed. R. Civ. P. 26(a)(2)(A) and (B). **Except as provided in paragraph 17**
23 **below, any party that fails to make these disclosures shall not, absent substantial**
24 **justification, be permitted to use evidence or testimony not disclosed at any**
25 **hearing or at the time of trial. In addition, the Court may impose sanctions as**
26 **permitted by Fed. R. Civ. P. 37.**

27 d. Any party, through any expert designated, shall in accordance with Fed.
28 R. Civ. P. 26(a)(2)(D) and Fed. R. Civ. P. 26(e)(2), supplement any of its expert reports

1 regarding evidence intended solely to contradict or rebut evidence on the same subject
2 matter identified in an expert report submitted by another party. Any such supplemental
3 reports are due on or before **July 12, 2018**.

4 e. All other dispositive motions, including those addressing Daubert issues,
5 shall be FILED on or before **August 31, 2018**. Please be advised that counsel for the
6 moving party must obtain a motion hearing date from the law clerk of the judge who
7 will hear the motion. Failure of counsel to timely request a motion date may result in
8 the motion not being heard. Motions *in limine* are to be filed as directed below.

9 Briefs or memoranda in support of or in opposition to any pending motion shall
10 not exceed twenty-five (25) pages in length without permission of the judge or
11 magistrate judge who will hear the motion. No reply memorandum shall exceed ten
12 (10) pages without leave of the judge or magistrate judge who will hear the motion. The
13 Court encourages Defendants in this group to file consolidated motions, if possible.

14 f. In each individual case:

15 i. Counsel shall serve on each other and file with the Clerk of the
16 Court their Memoranda of Contentions of Fact and Law in compliance with Local Rule
17 16.1(f)(2) (and 16.1(f)(3), where applicable) on or before **September 28, 2018**.

18 ii. Counsel shall confer and take the action required by Local Rule
19 16.1(f)(4) on or before **October 5, 2018**. At this meeting, counsel shall discuss and
20 attempt to enter into stipulations and agreements resulting in simplification of the triable
21 issues. Counsel shall exchange copies and/or display all exhibits other than those to be
22 used for impeachment, lists of witnesses and their addresses including experts who will
23 be called to testify, and written contentions of applicable facts and law. The exhibits
24 shall be prepared in accordance with Local Rule 16.1(f)(2)(c). Counsel shall cooperate
25 in the preparation of the proposed final pretrial conference order.

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27 iii. The proposed final pretrial conference order, including written
28 objections, if any, to any party's Fed. R. Civ. P. 26(a)(3) pretrial disclosures, shall be

1 served on opposing counsel and lodged directly with chambers on or before **October**
2 **19, 2018**, and shall be in the form prescribed in and in compliance with Local Rule
3 16.1(f)(6). **In addition, the parties shall include in the proposed pretrial order a**
4 **statement to be read to the jury, not in excess of one page, of the nature of the case**
5 **and the claims and defenses.** Any objections to pretrial disclosures shall comply with
6 the requirements of Fed. R. Civ. P. 26(a)(3). Please be advised that the failure to file
7 written objections to a party's pretrial disclosures may result in the waiver of such
8 objections, with the exception of those made pursuant to Rules 402 (relevance) and 403
9 (prejudice, confusion or waste of time) of the Federal Rules of Evidence.

10 iv. The parties shall file and serve their motions *in limine* on or before
11 **November 2, 2018**. Each side shall be limited to five (5) motions, and each motion
12 shall be no more than five (5) pages. The parties are admonished, however, to meet and
13 confer to try and resolve their disputes before filing motions *in limine*. Oppositions to
14 motions *in limine* shall be filed on or before **November 9, 2018**. A hearing on the
15 parties' motions *in limine* shall be held on **November 16, 2018**, at 1:30 p.m.

16 v. The final pretrial conference is scheduled on the calendar of the
17 Honorable Dana M. Sabraw on **October 26, 2018**, at **10:30 a.m.** The first trial for this
18 group is scheduled to commence on **December 3, 2018**, at **9:00 a.m.** Defendants
19 GrubHub/Seamless will proceed to trial first. The remaining Defendants in this group
20 will proceed to trial on **January 7, 2019**, at **9:00 a.m.** Counsel shall meet and confer
21 as to the order in which the remaining Defendants shall proceed to trial, and should be
22 prepared to provide the Court with that order at the pretrial conference. However, all
23 remaining Defendants should be prepared to proceed to trial on January 7, 2019, as each
24 will be placed on a trailing status. Thus, if a Defendant with trial priority settles,

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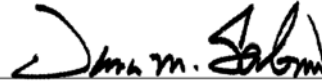
26 the next scheduled Defendant will be called. The remaining trials will proceed until all
27 are completed.

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1 7. The dates and times set forth herein will not be modified except for good cause
2 shown.

3 **IT IS SO ORDERED.**

4 DATED: December 14, 2017



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6 HON. DANA M. SABRAW
7 United States District Judge
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