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UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

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	)		
Plaintiff(s),	)	No. C-	-FMS
	)		
	)		
v.	)	CASE MANAGEMENT	
	)	CONFERENCE ORDER	
	)		
Defendant(s).	)		
_____ )	)		

IT IS HEREBY ORDERED that, pursuant to Rule 16(b), Federal Rules of Civil Procedure, and Civil L.R.16-10, a Case Management Conference will be held in this case before the Honorable Fern M. Smith on \_\_\_\_\_ at 2:00p.m. in Courtroom No. 5, 17<sup>th</sup> floor Federal Building.

Plaintiff(s) shall serve copies of this Order at once on all parties to this action, and on any parties subsequently joined, in accordance with the provisions of Fed.R.Civ.P.4and5. Following service, plaintiff(s) shall file a certificate of service with the Clerk of this Court.

Counsel are directed to confer in advance of the Case Management Conference with respect to all of the agenda items listed below. Not less than seven days before the Conference, counsel shall file a joint case management statement addressing each agenda item. Failure to file a joint statement shall be accompanied by a signed declaration setting forth the grounds for such failure. Failure to show good cause for such failure may subject the parties to sanctions.

Each party shall be represented at the Case Management Conference by counsel prepared to address all of the matters referred to in this Order, and with authority to enter stipulations and make admissions pursuant to this Order. The parties are encouraged to attend.

Any request to reschedule the above dates should be made in writing, and by stipulation if possible, not less than ten days before the Conference date. Good cause must be shown.

The parties should be prepared to address and resolve at the Case Management Conference the following: setting the date and the estimated length of the trial; setting the date for discovery cutoff; setting the date to designate experts and other witnesses; and setting the date for the pretrial conference.

Other agenda matter which the Court will address at the Case Management Conference include the following:

1. Does this Court have subject matter jurisdiction over all of the plaintiffs' claim(s) and defendants' counter-claim(s)? What is the basis of

1 that jurisdiction? Are all the parties subject to the Court's jurisdiction?  
2 Do any parties remain to be served?

3 2. What are the factual and legal bases for plaintiff's claim(s)  
4 and defendant's defense(s)? Defendant's counter-claim(s) and plaintiff's  
5 defense(s) to the counterclaim(s)?

6 3. What are the factual and legal issues genuinely in dispute?

7 4. What are the issues that can be narrowed by agreement or by  
8 motions? Are there dispositive or partially dispositive issues appropriate  
9 for decision on motion?

10 5. What are the motion(s) anticipated by the parties?

11 6. What relief does plaintiff seek? What is the amount of  
12 damage(s) sought by plaintiff's claim(s)? What is the amount of damage(s)  
13 sought by defendant's counter-claim(s)? How are the damages computed?

14 7. What discovery does each party intend to pursue? Can discovery  
15 be limited in any manner? Are there any alternative methods available to  
16 obtain the necessary information? Should a discovery order and conference  
17 be entered pursuant to  
18 Fed.R.Civ.P.26(f)?

19 8. Is the case suitable for reference to a binding arbitration, to  
20 a Special Master, or to a Magistrate Judge for trial? Is the case suitable  
21 for reference to the Judicial Panel on Multidistrict Litigation?

22 9. Will this case be tried by a jury? What is the anticipated  
23 length of trial? Is it possible to reduce the length of trial by  
24 stipulation, use of summaries or statements, or other expedited means of  
25 presenting evidence? Is it feasible and desirable to bifurcate issues for  
26 trial?

27 10. Are there any related cases pending before the Judges of this  
28 Court? See Civil L.R. 3-12. Are there similar cases pending in other United  
States District Courts or State Courts?

11. If a class action, how and when will the class(es) be certified?

12. When are the earliest reasonable dates for discovery cutoff,  
pretrial conference and trial?

13. What are the prospects for settlement? Does any party wish to  
have a settlement conference with another Judge or Magistrate Judge? How  
can settlement efforts be assisted?  
See A.D.R.L.R.7.

14. Such other matters as any party considers conducive to the just,  
speedy and inexpensive determination of this action.

1 CIVIL LAW AND MOTION MATTERS WILL BE HEARD ON THURSDAYS AT 2:00 P.M.  
2 COUNSEL SHALL COMPLY WITH CIVIL L.R.7 WITH RESPECT TO MOTION PROCEDURE.

3 Discovery Disputes: Counsel seeking the Court's intervention in a discovery  
4 dispute shall, after full compliance with Civil L.R 37-1, file and serve a  
5 letter brief, 3 pages or less, explaining the dispute and the relief sought.  
6 Opposing counsel shall respond by letter brief, 3 pages or less, within one  
7 week. The Court will deem the matter submitted unless the Court determines  
8 that the issue requires oral argument, in which case a conference will be  
9 arranged.

10 Failure to comply with this Order or the Local Rules of this Court may  
11 result in sanctions. See Fed.R.Civ.P.16(f), Civil L.R. 1-4.

12 IT IS SO ORDERED.

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14 FERN M. SMITH  
15 United States District Judge  
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