

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ABARCA, RAUL VALENCIA, et al.

Plaintiffs,

v.

MERCK & CO., INC., et al.

Defendants.

Case No. 1:07-cv-00388-OWW-DLB

**ORDER RE: MAY 5, 2011 STATUS  
CONFERENCE**

On May 5, 2011, the Court conducted a Status Conference in this matter. Present either in person or telephonically were counsel for plaintiffs; the Merck, Amsted and Baltimore Aircoil Company defendants (“Defendants”); Meadowbrook Water Company; the County of Merced; and Merced Irrigation District No. 1. Based on argument and discussion at this proceeding, the Court enters the following Order:

1. Plaintiffs’ request to advance the scheduling conference currently set for July 11, 2011 is denied;
2. The scheduling conference of July 11, 2011, and the hearing of plaintiffs’ Rule 16 Motion to Modify Scheduling Conference Order Regarding Remainder of Litigation (Document 1252) (“Rule 16 Motion”), filed April 20, 2011, are both continued to July 18, 2011 at 11:00 a.m. in Courtroom 3;
3. Defendants’ opposition to plaintiffs’ Rule 16 Motion shall be filed by May 31, 2011;
4. Counsel for plaintiffs and Defendants are ordered to submit a Joint Scheduling

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Conference Statement on July 15, 2011, that sets forth in detail their proposed schedule(s) for completing the remaining phases of this case, based on a considered assessment of the Court’s rulings on the pending post-trial motions;

- 5. Plaintiffs’ oppositions to Defendants’ post-trial motions (for judgment as a matter of law, and for partial new trial) are due May 23, 2011, and the hearing of Defendants’ post-trial motions remains set for July 11, 2011 at 10:00 a.m. in Courtroom 3;
- 6. Defendants’ request for a three-day extension of time to file and serve their reply briefs in support of their post-trial motions is granted, and such reply briefs are now due June 3, 2011;
- 7. Effective May 5, 2011, and upon the stipulation of plaintiffs and Defendants, the Court orders that the time in which Defendants may submit a Memorandum of Costs and/or Bill of Costs (“Costs Claims”), in compliance with Fed. R. Civ. P. 54(d)(1) and L.R. 292 and in response to the Court’s Amended Partial Judgment on Verdict of Trial Jury as to Private Domestic Well Pathway in favor of Defendants (Document 1255), is extended to such date as may be specified by the Court at a future date. The Court will defer to a later date a determination of which are the prevailing parties in this action.

APPROVED AS TO FORM:

Dated: May 6, 2011

MARDEROSIAN, RUNYON, CERCONE AND  
LEHMAN

By: s/ Michael G. Marderosian (as authorized 5/6/11)  
MICHAEL G. MARDEROSIAN

Attorneys for Plaintiffs

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Dated: May 6, 2011

BARG COFFIN LEWIS & TRAPP, LLP

By: s/ Stephen C. Lewis  
STEPHEN C. LEWIS

Attorneys for Defendants Merck & Co., Inc.,  
Amsted Industries Incorporated, and Baltimore Aircoil  
Company, Inc.

**ORDER**

IT IS SO ORDERED.

Dated: May 16, 2011

/s/ OLIVER W. WANGER  
UNITED STATES DISTRICT JUDGE