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

SCOTT MEYERS AND LILA
MEYERS, et al.,

Plaintiffs,

vs.

CITY OF FRESNO, et al.,

Defendants.

CASE NO. 1:10-cv-02359-LJO-BAM

**PRELIMINARY SCHEDULING
ORDER**

_____ /
This Court conducted a preliminary scheduling conference on November 9, 2011, in the chambers of United States Magistrate Judge Barbara A. McAuliffe. Plaintiffs Scott Meyers and Lila Meyers (“Plaintiffs”), on behalf of themselves and others similarly situated, appeared by counsel Jeffrey Belton, Law Offices of Danil Monteleone. Defendants City of Fresno, Brian Leong and Keith Bergthold (“Defendants”) appeared by counsel Joseph Rubin, Law Office of Betts & Rubin.

This is a civil rights class action under 42 U.S.C. § 1983. Plaintiffs have alleged that Defendants have taken retaliatory actions against various homeowners for suing real estate developers. Specifically, Plaintiffs allege that Defendants send threatening letters to homeowners as a result of the homeowner’s participation in construction defect litigation against certain developers. After discussion with counsel, this Court SETS the following dates for class certification only:

1. A October 1, 2012 deadline to file and serve moving papers on class certification;
2. A October 26, 2012 deadline to file and serve opposition papers on class certification;

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- 3. A November 16, 2012 deadline to file and serve reply papers on class certification; and
- 4. A hearing on December 14, 2012 at 9:00 AM in Department 8 of the United States District Court for the Eastern District of California.

Additionally, a Mandatory Scheduling Conference is set for January 15, 2013, at 9:00 a.m. Parties may appear at this hearing by telephone.

IT IS SO ORDERED.

Dated: November 10, 2011

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE