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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

AMERIPRIDE SERVICES, INC.,
A Delaware corporation,

Plaintiff,

v.

VALLEY INDUSTRIAL SERVICE, INC.,
a former California corporation,
et al.,

Defendants.

NO. CIV. S-00-113 LKK/JFM

O R D E R

AND CONSOLIDATED ACTION AND
CROSS- AND COUNTER-CLAIMS.

In May 2011, this court ruled on plaintiff and counter-
defendant's motion for summary judgment. The court granted partial
summary adjudication on several issues. Shortly after this court's
order, defendant and counter-plaintiff filed three motions. One was
resolved through stipulation. Remaining are its motions to re-open
discovery (modify the scheduling order) and to exclude plaintiff's
expert testimony.

1 Both motions were heard on July 18, 2011. For the reasons
2 discussed at the hearing, both motions (Doc. Nos. 736, 740) are
3 denied.¹ With respect to the Daubert motion, the court may make
4 further determinations as to the relevance and reliability of the
5 challenged testimony at trial.²


6 IT IS SO ORDERED.

7 DATED: July 19, 2011.

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LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT

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19 ¹ The parties also stipulated that AmeriPride Services, Inc.
20 ("AmeriPride") shall withdraw its state law claims against TEO and
that Texas Eastern Overseas, Inc. ("TEO") shall withdraw its jury
21 demand.

22 ² At oral argument, counsel referred to the status (pretrial
scheduling) order issued in this case on September 29, 2010.
23 Counsel referred to the order as the pretrial order. However, the
court has not yet issued a pretrial order pursuant to L.R. 283 for
24 the dispute between AmeriPride and TEO. Rather, the final pretrial
conference is set for October 3, 2011 at 1:30 p.m., after which the
25 court will issue the pretrial order. For this reason, AmeriPride
did not file its Fourth Amended Complaint after the court had
26 issued the pretrial order, but rather had filed it after the court
issued a status order.