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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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ADOBE LUMBER, INC., a
California corporation,

Plaintiff,

v.

F. WARREN HELLMAN and WELLS
FARGO BANK, N.A., as Trustees
of Trust A created by the
Estate of Marco Hellman; F.
WARREN HELLMAN as Trustee of
Trust B created by the Estate
of Marco Hellman; THE ESTATE
OF MARCO HELLMAN, deceased;
WOODLAND SHOPPING CENTER, a
limited partnership; JOSEPH
MONTALVO, an individual;
HAROLD TAECKER, an individual;
GERALDINE TAECKER, an
individual; HOYT CORPORATION,
a Massachusetts corporation;
PPG INDUSTRIES, INC., a
Pennsylvania corporation;
OCCIDENTAL CHEMICAL
CORPORATION, a New York
corporation; CITY OF WOODLAND;
and ECHO SALES & EQUIPMENT CO.,

Defendants.

NO. CIV. 2:05-1510 WBS PAN

ORDER CONSOLIDATING CASES
AND SCHEDULING ORDER

_____ /

1 ADOBE LUMBER, INC., a
2 California corporation,

3 Plaintiff,

CIV. NO. 2:10-665 WBS PAN

4 v.

5 CITY OF WOODLAND,

6 Defendant.

7 After conferring with the parties at the status
8 conference on April 5, 2010, the court hereby enters the
9 following Orders and schedule in the above-captioned cases.

10 I. CONSOLIDATION

11 For the reasons discussed at the status conference, the
12 court will grant plaintiff Adobe Lumber, Inc.'s request to
13 consolidate the two above-captioned cases. The cases shall be
14 consolidated pursuant to Federal Rule of Civil Procedure 42(a)(2)
15 for all purposes and the disposition will take the form of a
16 single judgment that will apply to both cases. The main case
17 number will now be 2:05-1510 and all documents shall be filed on
18 that docket; however, counsel are instructed to include both case
19 numbers on all filings.

20 II. DISCOVERY

21 All discovery in the now-consolidated matter, including
22 depositions for preservation of testimony, is left open, save and
23 except that it shall be so conducted as to be completed by
24 December 6, 2010. The word "completed" means that all discovery
25 shall have been conducted so that all depositions have been taken
26 and any disputes relevant to discovery shall have been resolved
27 by appropriate order if necessary and, where discovery has been
28 ordered, the order has been obeyed. All motions to compel

1 discovery must be noticed on the magistrate judge's calendar in
2 accordance with the local rules of this court and so that such
3 motions may be heard (and any resulting orders obeyed) not later
4 than December 6, 2010.

5 The parties shall disclose experts and produce reports
6 in accordance with Federal Rule of Civil Procedure 26(a)(2) by no
7 later than October 4, 2010. With regard to expert testimony
8 intended solely for rebuttal, those experts shall be disclosed
9 and reports produced in accordance with Federal Rule of Civil
10 Procedure 26(a)(2) on or before November 15, 2010.

11 III. MOTION HEARING SCHEDULE

12 All motions, except motions for continuances, temporary
13 restraining orders, or other emergency applications, shall be
14 filed on or before December 6, 2010. All motions shall be
15 noticed for the next available hearing date. Counsel are
16 cautioned to refer to the local rules regarding the requirements
17 for noticing and opposing such motions on the court's regularly
18 scheduled law and motion calendar.

19 IV. FINAL PRETRIAL CONFERENCE

20 The Final Pretrial Conference is set for February 22,
21 2011, at 2:00 p.m. in Courtroom No. 5. The conference shall be
22 attended by at least one of the attorneys who will conduct the
23 trial for each of the parties and by any unrepresented parties.

24 Counsel for all parties are to be fully prepared for
25 trial at the time of the Pretrial Conference, with no matters
26 remaining to be accomplished except production of witnesses for
27 oral testimony. Counsel shall file separate pretrial statements,
28 and are referred to Local Rules 16-281 and 16-282 relating to the

1 contents of and time for filing those statements. In addition to
2 those subjects listed in Local Rule 16-281(b), the parties are to
3 provide the court with: (1) a plain, concise statement which
4 identifies every non-discovery motion which has been made to the
5 court, and its resolution; (2) a list of the remaining claims as
6 against each defendant; and (3) the estimated number of trial
7 days.

8 In providing the plain, concise statements of
9 undisputed facts and disputed factual issues contemplated by
10 Local Rule 16-281(b)(3)-(4), the parties shall emphasize the
11 claims that remain at issue, and any remaining affirmatively pled
12 defenses thereto. If the case is to be tried to a jury, the
13 parties shall also prepare a succinct statement of the case,
14 which is appropriate for the court to read to the jury.

15 V. TRIAL SETTING

16 The jury trial is set for April 19, 2011 at 9:00 a.m.

17 VI. SETTLEMENT CONFERENCE

18 A Settlement Conference will be set at the time of the
19 Pretrial Conference. All parties should be prepared to advise
20 the court whether they will stipulate to the trial judge acting
21 as settlement judge and waive disqualification by virtue thereof.

22 Counsel are instructed to have a principal with full
23 settlement authority present at the Settlement Conference or to
24 be fully authorized to settle the matter on any terms. At least
25 seven calendar days before the Settlement Conference counsel for
26 each party shall submit a confidential Settlement Conference
27 Statement for review by the settlement judge. If the settlement
28 judge is not the trial judge, the Settlement Conference

1 Statements shall not be filed and will not otherwise be disclosed
2 to the trial judge.

3 VII. MODIFICATIONS TO SCHEDULING ORDER

4 Any requests to modify the dates or terms of this
5 Scheduling Order, except requests to change the date of the
6 trial, may be heard and decided by the assigned Magistrate Judge.
7 All requests to change the trial date shall be heard and decided
8 only by the undersigned judge.

9 IT IS THEREFORE ORDERED that Adobe Lumber, Inc. v.
10 Hellman and Wells Fargo Bank, N.A. et al., Civ. No. 2:05-1510 WBS
11 EFB and Adobe Lumber, Inc. v. City of Woodland, Civ. No. 2:10-665
12 WBS EFB be, and the same hereby are, consolidated for all
13 purposes. The Clerk of the Court is instructed to
14 administratively close the 2:10-665 case and all documents shall
15 be filed and docketed in the 2:05-1510 case.

16 IT IS FURTHERED ORDERED that the Pretrial Conference
17 set for April 19, 2010 and the trial set for June 8, 2010 in the
18 2:05-1510 case be vacated.

19 DATED: April 6, 2010

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22 WILLIAM B. SHUBB
23 UNITED STATES DISTRICT JUDGE
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