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

MERCURINO FERRARO, et al.,

Plaintiffs,

No. 2:09-cv-1721 GEB JFM (PC)

vs.

STATE OF CALIFORNIA, et al.,

Defendants.

ORDER AND SCHEDULING ORDER

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A status conference was held in this matter on September 10, 2009, at 11:00 a.m. in courtroom #26. Jeremiah J. House and Rudy M.A. Cosio appeared for plaintiffs. Samantha H. Ramsey, Deputy Attorney General, appeared for defendants Tilton, Trimble, Schnitzler, Cho, Evans and Ewing. Upon consideration of the August 18, 2009 motion to dismiss, the joint status report on file in this action, the September 9, 2009 Second Amended Complaint, discussion of counsel, and good cause appearing therefor, THE COURT FINDS AND ORDERS AS FOLLOWS:

1. Within ten days from the date of this order, counsel shall send a letter to the court addressing whether the October 8, 2009 hearing on the motion to dismiss is necessary in light of the filing of the September 9, 2009 second amended complaint. Said letter may be jointly filed by both counsel, or shall be filed by one counsel with the express authority of the other counsel, with a copy to the other counsel noted thereon.

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1                   2. Rule 26 initial disclosure shall be stayed until June 2010, following closing of  
2 the pleadings.

3                   3. Further status conference is set for Thursday, April 1, 2010, at 11:00 a.m. in  
4 Courtroom #26 before the undersigned.

5                   4. Non-expert discovery shall be completed, and all motions pertaining to  
6 discovery shall be noticed to be heard, by November 21, 2010.

7                   5. Expert discovery shall be completed by December 21, 2010. Rebuttal expert  
8 discovery shall be completed by February 21, 2011. The parties are reminded of their obligation  
9 to supplement these disclosures when required under Fed. R. Civ. P. 26(e)(1).

10                  6. Dispositive motions shall be noticed to be heard by Thursday, April 7, 2011.

11                  7. The pretrial conference is set for May 26, 2011 at 1:30 p.m. in courtroom #26.  
12 Pretrial statements shall be filed pursuant to Local Rule 16-281.

13                  8. Jury trial of this matter is set for Tuesday, August 23, 2011, at 9:00 a.m. in  
14 courtroom #10 before the Honorable Garland E. Burrell, Jr. The parties shall file trial briefs  
15 pursuant to Local Rule 16-285.

16 DATED: September 10, 2009.

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19 UNITED STATES MAGISTRATE JUDGE

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