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

JAMES BURCHETT,)	
)	2:11-cv-00696-GEB-DAD
Plaintiff,)	
)	
v.)	<u>ORDER CONTINUING STATUS</u>
)	<u>(PRETRIAL SCHEDULING)</u>
LIFE INSURANCE COMPANY OF NORTH)	<u>CONFERENCE</u>
AMERICA, APPLE COMPUTER, INC.,)	
)	
Defendants. ¹)	
_____)	

The Joint Status Report filed July 1, 2011 ("JSR") reveals this case is not ready to be scheduled since Defendants state in the JSR that they "anticipate[] filing a motion for partial summary judgment to establish ERISA preemption of Plaintiff's 'breach of agreement' claim against Apple . . . by August 15, 2011," and that the ruling on ERISA preemption will affect the parties discovery and further scheduling. (ECF No. 2:20-22, 3:5-7, 3:20-21, 4:11-12.)

Therefore, the Status (Pretrial Scheduling) Conference scheduled for hearing on July 18, 2011 is continued to November 28, 2011 at 9:00 a.m. A further joint status report shall be filed no later than fourteen (14) days prior.

¹ The caption has been amended according to Plaintiff's dismissal of CIGNA Group Insurance and the Doe Defendants. See ECF No. 9.

1 Further, Defendants' referenced motion for partial summary
2 judgment shall be filed no later than August 15, 2011, and noticed for
3 hearing on September 12, 2011.

4 Lastly, since Plaintiff states in the JSR that "the Doe
5 defendants may be dismissed," Does 1 - 100 are dismissed. Id. at 2:6-7.

6 IT IS SO ORDERED.

7 Dated: July 11, 2011

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11 GARLAND E. BURRELL, JR.
12 United States District Judge
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