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

DAVE SCHMITZ, et al.,

Plaintiffs,

No. CIV S-11-1487 LKK DAD

v.

WAL-MART STORES, INC.,

ORDER

Defendant.

_____ /

This matter came before the court on September 23, 2011, for a Discovery Conference under Rule 26 of the Federal Rules of Civil Procedure. Attorneys Mark Johnson, Mark Tamblyn and Stuart Talley appeared on behalf of plaintiffs Dave Schmitz and Robin Steward. Attorneys Kurt Kappes and Stephen Paffrath appeared on behalf of defendant Wal-Mart Stores, Inc.

At the September 23, 2011 hearing the parties agreed that: (1) the number of depositions allowed in this matter under Rule 30 of the Federal Rules of Civil Procedure should be increased to twenty; (2) the number of interrogatories allowed in this matter under Rule 33 of the Federal Rules of Civil Procedure should be increased to forty-five; and (3) defendant would serve plaintiff with their initial response to plaintiff's initial discovery requests by October 7, 2011. The matter was then continued to October 20, 2011 for a further Rule 26 Discovery

1 Conference in order to allow plaintiff to consider defendant's responses to their initial discovery
2 requests.

3 On October 18, 2011, the parties filed a joint status report, indicating that there
4 are no additional issues with respect to discovery and, in light thereof, requesting that the court
5 vacate the October 20, 2011 further Rule 26 Discovery Conference and instead reset a Status
6 (Pretrial Scheduling) Conference before the assigned District Judge.

7 Having considered the status reports on file, and after hearing from the parties, IT
8 IS HEREBY ORDERED that:

9 1. Pursuant to the parties' agreement, either party may conduct up to twenty (20)
10 depositions without obtaining leave of court;

11 2. Pursuant to the parties' agreement, either party may serve up to forty-five (45)
12 interrogatories without obtaining leave of court;

13 3. The October 20, 2011 Rule 26 Discovery Conference is hereby vacated;

14 4. A Status (Pretrial Scheduling) Conference is set before District Judge
15 Lawrence K. Karlton on Monday, December 12, 2011, at 2:30 p.m. in Courtroom 4; and

16 5. The parties shall file an updated Status Report no later than fourteen days prior
17 to the December 12, 2011 Status (Pretrial Scheduling) Conference, in compliance with the June
18 2, 2011 (Doc. No. 5) Order Setting Status (Pretrial Scheduling) Conference previously issued in
19 this matter.

20 DATED: October 20, 2011.

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24 DALE A. DROZD
25 UNITED STATES MAGISTRATE JUDGE

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