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SEP 15 2006

RICHARD W. WELKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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

C 06 5652

No. \_\_\_\_\_

ORDER SETTING CASE MANAGEMENT CONFERENCE

CW

The above matter having been assigned to Judge Wilken,  
IT IS HEREBY ORDERED, pursuant to Rule 16, Federal  
Rules of Civil Procedure, and Civil Local Rule 16, that a  
case management conference will be held before Judge Wilken  
on Friday, 12/15/06, at 1:30 p.m., in  
Courtroom 2, 4th Floor, 1301 Clay Street, Oakland,  
California.

Lead trial counsel shall meet and confer not less than  
thirty (30) days in advance of the conference and shall file  
a joint case management statement in the form contained in  
the Civil Local rules (copy attached) not less than ten (10)  
days in advance of the conference.

If the conference is inconveniently scheduled, it may  
be rescheduled by stipulation and order to another date or  
time convenient to the Court's calendar.

At the conclusion of the conference, an order will be  
entered setting dates either for a further case management  
conference, or for close of discovery, pretrial conference,  
and trial. Other orders regulating and controlling future  
proceedings may be entered.

United States District Court  
For the Northern District of California


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1 Plaintiff(s) shall serve copies of this Order at once  
2 on all parties to this action, and on any parties  
3 subsequently joined, in accordance with Fed. R. Civ. P. 4  
4 and 5. Following service, Plaintiff(s) shall file a  
5 certificate of service with the Clerk of this Court.  
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7 FAILURE TO COMPLY WITH THIS ORDER may be deemed  
8 sufficient grounds for dismissal of this cause, default or  
9 other appropriate sanctions. See Fed. R. Civ. P. 16(f).

10 See attached for standard procedures.

11 IT IS SO ORDERED.

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14 CLAUDIA WILKEN  
15 UNITED STATES DISTRICT JUDGE  
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United States District Court  
For the Northern District of California

NOTICE

Criminal Law and Motion calendar is conducted on Mondays at 2:00 p.m. Civil Law and Motion calendar is conducted on Fridays at 10:00 a.m. Case Management Conferences and Pretrial Conferences are conducted on Fridays at 1:30 p.m. Order of call is determined by the Court. Counsel need not reserve a hearing date for civil motions; however, counsel are advised to check the legal newspapers or the Court's website at [www.cand.uscourts.gov](http://www.cand.uscourts.gov) for unavailable dates.

Motions for Summary Judgment: All issues shall be contained within one motion and shall conform with Civil L.R. 7-2. Separate statements of undisputed facts in support of or in opposition to motions for summary judgment will not be considered by the Court. (See Civil Local Rule 56-2(a)). All briefing on motions for summary judgment must be included in the memoranda of points and authorities in support of, opposition to, or reply to the motion, and must comply with the page limits of Civil Local Rule 7-4. The memoranda should include a statement of facts supported by citations to the declarations filed with respect to the motion. Cross or counter-motions shall be contained within the opposition to any motion for summary judgment and shall conform with Civil L.R. 7-3. The Court may, *sua sponte* or pursuant to a motion under Civil L.R. 6-3, reschedule the hearing so as to give a moving party time to file a surreply to the cross or counter-motion.

All DISCOVERY MOTIONS are referred to a Magistrate Judge to be heard and considered at the convenience of his/her calendar. All such matters shall be noticed by the moving party for hearing on the assigned Magistrate Judge's regular law and motion calendar, or pursuant to that Judge's procedures.

In all "E-Filing" cases when filing papers in connection with any motion for determination by the judge, the parties shall, in addition to filing papers electronically, lodge with chambers a printed copy of the papers by the close of the next court day following the day the papers are filed electronically. **These printed copies shall be marked "Chambers Copy" and shall be submitted to the Clerk's Office, in an envelope clearly marked with the judge's name, case number and "E-Filing Chambers Copy."** Parties shall not file a paper copy of any document with the Clerk's Office that has already been filed electronically.

United States District Court  
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IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Plaintiff(s),  
v.  
Defendant(s).

CASE NO.  
JOINT CASE MANAGEMENT STATEMENT  
AND PROPOSED ORDER

The parties to the above-entitled action jointly submit this Case Management Statement and Proposed Order and request the Court to adopt it as its Case Management Order in this case.

DESCRIPTION OF THE CASE

- 1. A brief description of the events underlying the action:
- 2. The principal factual issues which the parties dispute:
- 3. The principal legal issues which the parties dispute:
- 4. The other factual issues [e.g. service of process, personal jurisdiction, subject matter jurisdiction or venue] which remain unresolved for the reason stated below and how the parties propose to resolve those issues:
- 5. The parties which have not been served and the reasons:
- 6. The additional parties which the below-specified parties intend to join and the intended time frame for such joinder:

ALTERNATIVE DISPUTE RESOLUTION

- 7. The following parties consent to assignment of this case to a United States Magistrate Judge for [court or jury] trial:
- 8. The parties have already been assigned [or the parties have agreed] to the following court ADR process [e.g. Nonbinding Arbitration, Early Neutral Evaluation, Mediation, Early Settlement with a Magistrate Judge] [State the expected or scheduled date for the ADR session]:
- 9. The ADR process to which the parties jointly request [or a party separately requests] referral:

DISCLOSURES

- 10. The parties certify that they have made the following disclosures [list disclosures of persons, documents, damage computations and insurance agreements]:

DISCOVERY

11. The parties agree to the following discovery plan [Describe the plan e.g., any limitation on the number, duration or subject matter for various kinds of discovery; discovery from experts; deadlines for completing discovery];

TRIAL SCHEDULE

12. The parties request a trial date as follows:

13. The parties expect that the trial will last for the following number of days:

SIGNATURE AND CERTIFICATION BY PARTIES AND LEAD TRIAL COUNSEL

Pursuant to Civil L.R. 16-12, each of the undersigned certifies that he or she has read the brochure entitled "Dispute Resolution Procedures in the Northern District of California," discussed the available dispute resolution options provided by the court and private entities and has considered whether this case might benefit from any of the available dispute resolution options.

Dated: \_\_\_\_\_ [Typed name and signature of each party and lead trial counsel]

Dated: \_\_\_\_\_ [Typed name and signature of each party and lead trial counsel]

CASE MANAGEMENT ORDER

The Case Management Statement and Proposed Order is hereby adopted by the Court as the Case Management Order for the case and the parties are ordered to comply with this Order. In addition the Court orders: [The Court may wish to make additional orders, such as:

- a. Referral of the parties to court or private ADR process;
- b. Schedule a further Case Management Conference;
- c. Schedule the time and content of supplemental disclosures;
- d. Specially set motions;
- e. Impose limitations on disclosure or discovery;
- f. Set time for disclosure of identity, background and opinions of experts;
- g. Set deadlines for completing fact and expert discovery;
- h. Set time for parties to meet and confer regarding pretrial submissions;
- l. Set deadline for hearing motions directed to the merits of the case;
- j. Set deadline for submission of pretrial material;
- k. Set date and time for pretrial conference;
- l. Set a date and time for trial.]

Dated: \_\_\_\_\_ UNITED STATES DISTRICT JUDGE

United States District Court For the Northern District of California

