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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

REBECCA WALDER,)	
)	
Plaintiff,)	No. C 08-3462 BZ
)	
v.)	ORDER SCHEDULING
)	BENCH TRIAL
NORTHWESTERN MUTUAL LIFE)	
INSURANCE COMPANY et al.,)	
)	
Defendants.)	
_____)	

Following the Case Management Conference, **IT IS HEREBY ORDERED** that the joint Case Management Statement is adopted, except as expressly modified by this Order. It is further **ORDERED** that:

1. DATES
 Trial Date: **Monday, October 26, 2009, 5 days**
 Pretrial Conference: **Tuesday, 10/6/2009, 4:00 p.m.**
 Last Day to Hear Dispositive Motions: **Wednesday, 8/12/2009**
 Last Day for Expert Discovery: **Friday, 6/12/2009**
 Last Day for Rebuttal Expert Disclosure: **Friday, 6/5/2009**
 Last Day for Expert Disclosure: **Friday, 5/29/2009**
 Close of Non-expert Discovery: **Friday, 5/22/2009**
 ///

1 A Chambers copy of all briefs shall be e-mailed in
2 WordPerfect or Word format to the following address:

3 bzpo@cand.uscourts.gov.

4 4. MEDIATION

5 The parties have agreed to private Mediation to be
6 conducted by January 16, 2009. The parties shall promptly
7 notify the Court whether the case is resolved at the
8 Mediation.

9 5. SETTLEMENT

10 In the event that this case is not resolved during
11 private mediation, this case shall be referred for
12 assignment to a Magistrate Judge to conduct a settlement
13 conference in May or June of 2009. Counsel will be
14 contacted by that judge's chambers with a date and time for
15 the conference.

16 6. PRETRIAL CONFERENCE

17 Not less than thirty days prior to the date of the
18 pretrial conference, the parties shall meet and take all
19 steps necessary to fulfill the requirements of this Order.

20 Not less than twenty-one days prior to the pretrial
21 conference, the parties shall: (1) serve and file a joint
22 pretrial statement, containing the information listed in
23 **Attachment 1**, and a proposed pretrial order; (2) serve and
24 file trial briefs, Daubert motions, proposed findings of
25 fact and conclusions of law, and statements designating
26 excerpts from discovery that will be offered at trial
27 (specifying the witness and page and line references); (3)

1 exchange exhibits, agree on and number a joint set of
2 exhibits and number separately those exhibits to which the
3 parties cannot agree; (4) deliver all marked trial exhibits
4 directly to the courtroom clerk, Ms. Voltz; (5) deliver one
5 extra set of all marked exhibits directly to Chambers; and
6 (6) submit all exhibits in three-ring binders. Each exhibit
7 shall be marked with an exhibit label as contained in
8 **Attachment 2**. The exhibits shall also be separated with
9 correctly marked side tabs so that they are easy to find.

10 No party shall be permitted to call any witness or
11 offer any exhibit in its case in chief that is not disclosed
12 at pretrial, without leave of Court and for good cause.

13 Lead trial counsel for each party shall meet and confer
14 in an effort to resolve all disputes regarding anticipated
15 testimony, witnesses and exhibits. Not less than eleven
16 days prior to the pretrial conference, the parties shall
17 serve and file any objections to witnesses or exhibits or to
18 the qualifications of an expert witness, and any oppositions
19 to Daubert motions. There shall be no replies.

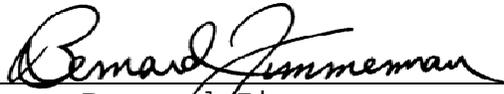
20 A copy of all pretrial submissions, except for
21 exhibits, shall be e-mailed in WordPerfect or Word format to
22 the following address: bzpo@cand.uscourts.gov.

23 At the time of filing the original with the Clerk's
24 Office, two copies of all documents (but only one copy of
25 the exhibits) shall be delivered directly to Chambers (Room
26 15-6688). Chambers' copies of all pretrial documents shall
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be three-hole punched at the side, suitable for insertion
into standard, three-ring binders.

Dated: November 5, 2008



Bernard Zimmerman
United States Magistrate Judge

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1 **ATTACHMENT 1**

2 The parties shall file a joint pretrial conference
3 statement containing the following information:

4 (1) **The Action.**

5 (A) Substance of the Action. A
6 brief description of the
7 substance of claims and
8 defenses which remain to be
9 decided.

10 (B) Relief Prayed. A detailed
11 statement of each party's
12 position on the relief
13 claimed, particularly
14 itemizing all elements of
15 damages claimed as well as
16 witnesses, documents or other
17 evidentiary material to be
18 presented concerning the
19 amount of those damages.

20 (2) **The Factual Basis of the Action.**

21 (A) Undisputed Facts. A plain and
22 concise statement of all
23 relevant facts not reasonably
24 disputable, as well as which
25 facts parties will stipulate
26 for incorporation into the
27 trial record without the
28 necessity of supporting
testimony or exhibits.

(B) Disputed Factual Issues. A
plain and concise statement of
all disputed factual issues
which remain to be decided.

(C) Agreed Statement. A statement
assessing whether all or part
of the action may be presented
upon an agreed statement of
facts.

(D) Stipulations. A statement of
stipulations requested or
proposed for pretrial or trial
purposes.

(3) **Trial Preparation.**

1 A brief description of the efforts the parties have
2 made to resolve disputes over anticipated testimony,
3 exhibits and witnesses.

4 (A) Witnesses to be Called. In
5 lieu of FRCP 26(a)(3)(A), a
6 list of all witnesses likely
7 to be called at trial, other
8 than solely for impeachment or
9 rebuttal, together with a
10 brief statement following each
11 name describing the substance
12 of the testimony to be given.

13 (B) Estimate of Trial Time. An
14 estimate of the number of
15 court days needed for the
16 presentation of each party's
17 case, indicating possible
18 reductions in time through
19 proposed stipulations, agreed
20 statements of facts, or
21 expedited means of presenting
22 testimony and exhibits.

23 (C) Use of Discovery Responses. In
24 lieu of FRCP 26(a)(3)(B), cite
25 possible presentation at trial
26 of evidence, other than solely
27 for impeachment or rebuttal,
28 through use of excerpts from
depositions, from
interrogatory answers, or from
responses to requests for
admission. Counsel shall
state any objections to use of
these materials and that
counsel has conferred
respecting such objections.

(D) Further Discovery or Motions.
A statement of all remaining
motions, including Daubert
motions.

(4) Trial Alternatives and Options.

(A) Settlement Discussion. A
statement summarizing the
status of settlement
negotiations and indicating
whether further negotiations
are likely to be productive.

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(B) Amendments, Dismissals. A statement of requested or proposed amendments to pleadings or dismissals of parties, claims or defenses.

(C) Bifurcation, Separate Trial of Issues. A statement of whether bifurcation or a separate trial of specific issues is feasible and desired.

(5) **Miscellaneous.**

Any other subjects relevant to the trial of the action, or material to its just, speedy and inexpensive determination.

ATTACHMENT 2

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USDC
Case No. CV08-03462 BZ
JOINT Exhibit No. _____

Date Entered _____

Signature _____

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PLNTF Exhibit No. _____

Date Entered _____

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Date Entered _____

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DEFT Exhibit No. _____

Date Entered _____

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