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18  
 19 **UNITED STATES DISTRICT COURT**  
 20 **NORTHERN DISTRICT OF CALIFORNIA**

21 MEHDI SABERI,  
 22  
 Plaintiff,

23 vs.

24  
 25 BFS RETAIL & COMMERCIAL  
 26 OPERATIONS, LLC,

27 Defendant.

**CASE NO. CV-08-4232 JL**

**STIPULATION AND ~~PROPOSED~~  
 ORDER MODIFYING TRIAL DATE  
 AND PRETRIAL ORDER**

Before the Honorable James Larson

Date Action Filed: September 8, 2008  
 Current Trial Date: July 19, 2010  
 [Proposed]  
 Amended Trial Date: October 18, 2010

1 Plaintiff Mehdi Saberi (“Plaintiff”), Defendant BFS Retail & Commercial  
2 Operations, LLC (“BFS”), and Defendant Dana Girard (“Girard”) by and through their  
3 respective counsel, hereby stipulate as follows:

4 WHEREAS, the parties completed non-expert discovery by March 31, 2010, the non-  
5 expert discovery cut-off date;

6 WHEREAS, on April 14, 2010, the defendants timely filed motions for summary  
7 judgment that were initially set for May 19, 2010, a week prior to the last date for hearing of  
8 such motions, however the Court moved the hearing on these motions to June 23, 2010;

9 WHEREAS, the trial is presently scheduled to commence on July 19, 2010. In light of the  
10 modified hearing date on the motions for summary judgment, the need for briefing on motions in  
11 limine, and other issues, the parties seek to move the trial and related pretrial dates;

12 WHEREAS, trial counsel for Defendant BFS will be out of the country from September  
13 12, 2010 through September 27, 2010, and only back in the office on September 28, 2010;

14 WHEREAS, the parties have consulted with the Court and learned that October 18, 2010,  
15 is a date available for the Court to reschedule this trial;

16 NOW, THEREFORE, the parties hereby stipulate and agree, upon approval of the Court,  
17 to reset the trial in this matter and to modify the pretrial schedule as follows:

18 1. TRIAL DATE

19 a. Jury trial will begin on **October 18, 2010** at 9:00 a.m. in Courtroom F, 15<sup>th</sup>  
20 Floor, 450 Golden Gate Avenue, San Francisco, CA 94102.

21 b. The length of the trial will be not more than 5 days.

22 2. DISCOVERY

23 a. Experts shall be disclosed by May 21, 2010, rebuttal experts disclosed by  
24 June 18, 2010.

25 b. All discovery from experts shall be completed by July 30, 2010.

26 c. All non-expert discovery shall be completed by March 31, 2010.

27 d. In the event of a discovery dispute the parties shall use the procedure set  
28 forth in the Amended Pretrial Order (Dkt #56). Any joint statement or individual

1 statements submitted under the procedure relating to non-expert discovery shall be  
2 submitted by May 12, 2010. Any joint statement or individual statements submitted  
3 under the procedure relating to expert discovery shall be submitted by August 11, 2010.

4 3. MOTIONS

5 a. Girard may file an Amended Motion for Summary Judgment that does not  
6 differ in substance from the motion already on file on or before May 19, 2010 (not less  
7 than **thirty-five (35)** days prior to the scheduled hearing date of June 23, 2010). Any  
8 opposition to the Motions for Summary Judgment shall be filed no later than June 2,  
9 2010, **twenty-one (21)** days prior to the hearing date. Any reply to the opposition shall  
10 be filed no later than June 9, 2010, **fourteen (14)** days prior to the hearing. Dispositive  
11 motions shall be heard on **June 23, 2010**.

12 b. Motions in Limine (except with respect to expert issues and issues that  
13 arise later as a result of pre-trial disclosures) shall be filed by July 21, 2010. Any  
14 opposition shall be filed no later than August 4, 2010. Any reply to an opposition shall  
15 be filed no later than August 11, 2010. Motions in Limine filed pursuant to this  
16 schedule shall be heard on **August 25, 2010**.

17 5. PRETRIAL CONFERENCE

18 a. A final pretrial conference shall be held on **October 6, 2010**, at 11:00  
19 a.m., in Courtroom F, 15th Floor. Each party shall attend personally or by counsel who  
20 will try the case.

21 b. On or before **September 2, 2010**, all counsel or parties shall meet and  
22 fulfill the requirements of Civil Local Rule 16-10(b), except those requirements set forth  
23 in section 5.c. below.

24 c. On or before **September 9, 2010**, counsel or parties shall serve file a joint  
25 pretrial statement pursuant to Local Rule 16-10(b)(6) which shall include the disclosures  
26 required by Fed. R. Civ. P. 26(a)(3) as well as those set forth in section 5.c. of the  
27 Amended Pretrial Order (Dkt #56).

28 d. At the same time that the parties file their joint pretrial statement they

