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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **NORTHERN DISTRICT OF CALIFORNIA**  
8 **SAN FRANCISCO DIVISION**

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10 ELLEN AMBROFF and TERRY AMBROFF,

11 Plaintiffs,

12 v.

13 AMERICAN MEDICAL SYSTEMS, INC.,

14 Defendant.  
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Case Number 08-cv-04289 NC

**CASE MANAGEMENT ORDER**

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17 The parties attended a case management conference on October 19, 2011. After  
18 considering the parties' joint case management statement, Dkt. No. 111, and the representations  
19 made by the parties at the case management conference, IT IS HEREBY ORDERED that:

20 1. STATUS REPORT DUE ON NOVEMBER 9, 2011. The parties must meet and  
21 confer regarding the following issues: (1) the inadvertent production of documents by AMS; and  
22 (2) the potentially responsive documents that AMS discovered recently. The parties must submit  
23 a status report to the Court by November 9, 2011 containing their positions on these issues.

24 2. ALTERNATIVE DISPUTE RESOLUTION. The parties must include in their  
25 November 9 status report a recommendation on whether this case should be referred to a  
26 settlement judge or to mediation.  
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1 3. DISCOVERY. Fact discovery closed on August 6, 2010. The parties must continue to  
2 meet and confer regarding any further production of medical records that were created after the  
3 fact-discovery deadline.

4 4. EXPERT WITNESSES. Plaintiffs may depose Dr. Craig Comiter on or before  
5 December 9, 2011.

6 5. PRETRIAL MOTIONS. The parties must file any *Daubert* and dispositive motions by  
7 January 30, 2012. Any opposition to these motions must be filed within fourteen days of the date  
8 on which the motions are filed. Civil L.R. 7-3(a). Any reply to an opposition must be filed  
9 within seven days of the date on which the opposition is filed. Civil L.R. 7-3(c). AMS' request  
10 for leave to file a summary judgment motion of up to forty pages is GRANTED. The Court will  
11 set hearing dates for the *Daubert* and dispositive motions after reviewing the submissions.

12 6. PRETRIAL CONFERENCE. The pretrial conference will be held on April 4, 2012, at  
13 2:00 p.m., in Courtroom A, 15th Floor, United States Courthouse, 450 Golden Gate Avenue, San  
14 Francisco, California.

15 7. TRIAL DATE. Jury trial will begin on April 16, 2012, at 9:00 a.m., in Courtroom A,  
16 15th Floor, United States Courthouse, 450 Golden Gate Avenue, San Francisco, California. The  
17 Court will issue a further order concerning trial preparation.

18 IT IS SO ORDERED.

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DATED: October 20, 2011

  
NATHANAEL M. COUSINS  
United States Magistrate Judge