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4 IN THE UNITED STATES DISTRICT COURT
5 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 BRENDAN SCHMIDT and DENISE
SCHMIDT,

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10 Plaintiffs,

11 v.

12 PENTAIR, INC., et al.,

13 Defendants.
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NO. C08-4589 TEH

ORDER SETTING CASE
MANAGEMENT CONFERENCE

15 The Court is in receipt of Plaintiffs' motion to continue the trial and pretrial dates, as
16 well as Plaintiffs' unopposed request to shorten time on that motion. As the Court explained
17 when it set the trial date at the January 11, 2010 case management conference, trial dates set
18 by this Court are firm; they are not dates to which the parties should aspire. Although it is
19 unclear whether Defendants support Plaintiffs' request to continue the trial and related dates,
20 it appears from Plaintiffs' papers that Defendants bear at least some of the burden for
21 discovery delays. Accordingly, with good cause appearing, IT IS HEREBY ORDERED that
22 the parties shall appear for a case management conference on **September 20, 2010, at**
23 **1:30 PM.** Telephonic appearances shall not be permitted.

24 At that time, the parties shall be prepared to present to the Court in writing a list of all
25 outstanding discovery and firm dates for completing such discovery before the existing
26 discovery cut-off deadline. If they are unable to agree on such dates, they shall be prepared
27 for the Court to set such deadlines or to refer this matter to a special master for discovery,
28 who shall be given the authority to resolve all discovery disputes, allocate his or her fees

1 among the parties as he or she deems appropriate, and recommend a new discovery cut-off
2 date to the Court.

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4 **IT IS SO ORDERED.**

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6 Dated: 09/13/10



THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT

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