

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

JERRY TRAHAN,

Plaintiff,

v.

U.S. BANK NATIONAL ASSOC.,

Defendant.

---

No. C 09-03111 JSW

**ORDER VACATING CASE  
MANAGEMENT CONFERENCE,  
SETTING DEADLINES,  
REFERRING DISCOVERY, AND  
DIRECTING PARTIES TO MEET  
AND CONFER RE SCHEDULING**

The Court has considered the parties joint status report, dated April 14, 2014, and the case management statement filed on February 14, 2014. The Court VACATES the case management conference scheduled for April 18, 2014. It is FURTHER ORDERED as follows:

1. Given the length of time that this case has been pending in state court, the Court shall not require the parties to exchange initial disclosures.

2. The Court HEREBY REFERS this matter to a randomly assigned Magistrate Judge for the purpose of resolving any and all discovery disputes that may arise during the remainder of this litigation.

3. Plaintiff shall file any motion for leave to file an amended complaint by no later than May 16, 2014, and he shall notice that motion on an open and available date on this Court's calendar.

4. Plaintiff states that he intends to renew a motion to dismiss Defendant's affirmative defenses. Defendant states that it intends to move to de-certify the class. Both of these issues appear to have been resolved by the state court. Accordingly, the Court will require

1 the parties to file motions for leave to file motions for reconsideration before it will consider the  
2 substantive motions. *See* N.D. Civ. L.R. 7-9. The parties shall file the motions for leave to file  
3 motions to reconsider no earlier than June 6, 2014, in the event the California Supreme Court's  
4 ruling in the *Duran* litigation would impact the Court's analysis.

5 5. Plaintiff's motion to approve the survey was pending at the time this case was  
6 removed. The parties shall simultaneously re-file the briefs pending before the state court by no  
7 earlier than June 6, 2014. The Court shall hear that motion on Friday, July 11, 2014 at 9:00  
8 a.m. In the event the Court finds the motion suitable for disposition without oral argument, it  
9 shall notify the parties in advance of the hearing. If the parties believe the California Supreme  
10 Court's decision in *Duran* will necessitate supplemental briefing on that motion, they may file a  
11 motion for leave to submit supplemental briefing *after* the California Supreme Court issues its  
12 opinion.

13 6. The parties are **HEREBY ORDERED** to meet and confer and submit a proposed  
14 schedule with specific dates for: close of fact discovery, close of expert discovery, deadlines to  
15 disclose expert reports (opening and rebuttal), deadlines to hear dispositive motions, deadline to  
16 submit to an ADR procedure, pretrial conference, and trial. In the event the parties do not agree  
17 on a schedule and an ADR procedure, they shall submit a joint report that documents their  
18 competing schedules and the reasons for the disagreement. The parties shall submit this joint  
19 statement by no later than April 25, 2014.

20 7. Finally, the Court **ADVISES** the parties that it will be unavailable beginning on  
21 April 30, 2014, and ending on May 27, 2014.

22 **IT IS SO ORDERED.**

23 Dated: April 16, 2014

24   
25 \_\_\_\_\_  
26 JEFFREY S. WHITE  
27 UNITED STATES DISTRICT JUDGE

26 cc: Magistrate Judge Referral Clerk  
27  
28