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United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

David Diaz, NO. C 09-05747 JW
Plaintiff, **ORDER MODIFYING CASE SCHEDULE**
v.
Zodiac Maritime Agencies Ltd., et al.,
Defendants.

Pursuant to the Reassignment Order, the parties have conferred and duly submitted a Joint Status Statement. (See Docket Item No. 34.) Based on their joint submission and in light of the reassignment, the Court modifies the Case Schedule to coincide with the Court’s calendar as follows:

CASE SCHEDULE

Close of All Discovery (¶ 9)	October 14, 2011
Last Date for Hearing Dispositive Motions (¶ 10) <i>(≈60 days after the Close of All Discovery)</i>	December 5, 2011 at 9 a.m.
Preliminary Pretrial Conference (¶ 12) <i>(≈30 days before the Close of All Discovery)</i>	September 12, 2011 at 11 a.m.
Preliminary Pretrial Conference Statements (¶ 11) <i>(Due 10 days before conference)</i>	September 2, 2011

None of the dates set in this Order may be changed without an order of the Court made after a motion is filed pursuant to the Civil Local Rules of Court.

Disclosure of Expert Witnesses

1
2 4. Any party wishing to present expert witness testimony with respect to a
3 claim or a defense shall lodge with the Court and serve on all other parties the name, address,
4 qualifications, résumé and a written report which complies with Fed. R. Civ. P. 26(a)(2)(B) **63 days**
5 **before close of discovery.** Expert witness disclosure must be made with respect to a person who is
6 either (a) specially retained or specially employed to provide expert testimony pursuant to
7 Fed.R.Evid. 702 or (b) a regular employee or agent or treating physician who may be called to
8 provide expert opinion testimony.

9 5. The parties are also required to lodge any supplemental reports to which any
10 expert will testify at trial in accordance with Fed. R. Civ. P. 26(a)(2)(B).

11 6. Any party objecting to the qualifications or proposed testimony of an expert
12 must file, serve and notice a motion to exclude the expert or any portion of the expert's testimony in
13 writing in accordance with Civil Local Rule 7-2, for hearing no later than **42 DAYS AFTER BOTH**
14 **EXPERT AND REBUTTAL EXPERT DISCLOSURES ON A MONDAY (LAW AND**
15 **MOTION DAY) at 9:00 a.m.** and preferably before or on the same day as the discovery cutoff
16 date at 9:00 a.m.

17 **Rebuttal Expert Witnesses**

18 7. If the testimony of the expert is intended solely to contradict or rebut opinion
19 testimony on the same subject matter identified by another party, the party proffering a rebuttal
20 expert shall make the disclosures required by Fed. R. Civ. P. 26(a)(2)(B), no later than **49 days**
21 **prior to discovery cutoff.**

22 **Limitation on Testimony by Expert Witnesses**

23 8. Unless the parties enter into a written stipulation otherwise, upon timely
24 objection, an expert witness shall be precluded from testifying about any actions or opinions not
25 disclosed prior to the expert's deposition. This is to ensure that all factual material upon which
26 expert opinion may be based and all tests and reports are completed prior to the expert deposition.

1 Unless application is made prior to the close of expert discovery, each party will be limited to
2 calling only one expert witness in each discipline involved in the case.

3 **Close of Discovery**

4 9. Pursuant to Civil L.R. 26-2, all discovery, including supplemental
5 disclosure, depositions of fact witness and expert witnesses, must be completed on or before the
6 deadline set forth in the Case Schedule above.

7 **Last date for Hearing Dispositive Motions**

8 10. The last day for hearing dispositive motions is set forth in the Case Schedule
9 above. Any motions must be noticed in accordance with the Civil Local Rules of this Court.

10 **Preliminary Pretrial and Trial Setting Conference Statement and Proposed Order**

11 11. The attorneys who will try the case are ordered to confer with one another
12 and to file and lodge with Chambers on or before the deadline set forth in the Case Schedule above a
13 Preliminary Pretrial and Trial Setting Conference Statement and Proposed Order, stating their
14 readiness for trial, the amount of time which the Court should allocate for trial and the calendar
15 period for the trial.

16 12. The attorneys who will try the case are ordered to appear on the date set in
17 the Case Schedule at 11:00 a.m. for a Preliminary Pretrial and Trial Setting Conference.

18 13. With respect to the time allocation for trial, at the Preliminary Pretrial and
19 Trial Setting Conference trial counsel will be asked to stipulate to a time allocation to each side for
20 the trial of the case. Once a stipulated allocation has been entered, the parties must plan their
21 presentations to conform to the stipulated time allocation.

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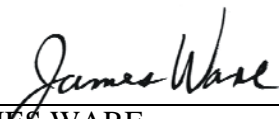
24 Dated: June 10, 2011

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JAMES WARE
United States District Chief Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Brian Elmar Kerss bkerss@weltnlaw.com
3 Forrest Richard Cogswell dcogswell@cnc-law.com
4 Patrick Brennen Streb streb@pacbell.net
5 William Nelson Brooks wbrooks@wnblaw.com

6 **Dated: June 10, 2011**

Richard W. Wieking, Clerk

7
8 **By: /s/ JW Chambers**
9 **Susan Imbriani**
10 **Courtroom Deputy**

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