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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CAREER SYSTEMS DEVELOPMENT )  
CORPORATION, )  
 )  
Plaintiff(s), )  
 )  
v. )  
 )  
AMERICAN HOME ASSURANCE )  
COMPANY, )  
 )  
Defendant(s). )  
 )  
\_\_\_\_\_ )

No. C 10-2679 BZ  
**ORDER SCHEDULING  
JURY TRIAL AND  
PRETRIAL MATTERS**

Following the status conference on November 1, 2011, **IT IS HEREBY ORDERED** as follows:

1. DATES

Trial Date: **Monday, April 30, 2012, 5 days**

Pretrial Conference: **Tuesday, 04/10/2012, 4:00 p.m.**

Last Day to Hear Dispositive Motions: **Wednesday, 2/15/2012**

Last Day for Expert Discovery: **Friday, 1/20/2012**

Last Day for Rebuttal Expert Disclosure: **Friday, 1/6/2012**

Last Day for Expert Disclosure: **Friday, 12/16/2011**

Close of Non-expert Discovery: **Friday, 12/09/2011**

1     2.     DISCLOSURE AND DISCOVERY

2             The parties are reminded that a failure to voluntarily  
3 disclose information pursuant to Federal Rule of Civil  
4 Procedure 26(a) or to supplement disclosures or discovery  
5 responses pursuant to Rule 26(e) may result in exclusionary  
6 sanctions. Thirty days prior to the close of non-expert  
7 discovery, lead counsel for each party shall serve and file a  
8 certification that all supplementation has been completed.

9             In the event a discovery dispute arises, **lead counsel** for  
10 each party shall meet in person or, if counsel are outside the  
11 Bay Area, by telephone and make a good faith effort to resolve  
12 their dispute. Exchanging letters or telephone messages about  
13 the dispute is insufficient. The Court does not read  
14 subsequent positioning letters; parties shall instead make a  
15 contemporaneous record of their meeting using a tape recorder  
16 or a court reporter.

17             In the event they cannot resolve their dispute, the  
18 parties must participate in a telephone conference with the  
19 Court **before** filing any discovery motions or other papers.  
20 The party seeking discovery shall request a conference in a  
21 letter filed electronically not exceeding two pages (with no  
22 attachments) which briefly explains the nature of the action  
23 and the issues in dispute. Other parties shall reply in  
24 similar fashion within two days of receiving the letter  
25 requesting the conference. The Court will contact the parties  
26 to schedule the conference.

27     3.     MOTIONS

28             Consult Civil Local Rules 7-1 through 7-5 and this

1 Court's standing orders regarding motion practice. Motions  
2 for **summary judgment** shall be accompanied by a statement of  
3 the material facts not in dispute supported by citations to  
4 admissible evidence. The parties shall file a joint statement  
5 of undisputed facts where possible. If the parties are unable  
6 to reach complete agreement after meeting and conferring, they  
7 shall file a joint statement of the undisputed facts about  
8 which they do agree. Any party may then file a separate  
9 statement of the additional facts that the party contends are  
10 undisputed. A party who without substantial justification  
11 contends that a fact is in dispute is subject to sanctions.

12 In addition to **lodging** a Chambers copy of all papers, a  
13 Chambers copy of all briefs shall be e-mailed in WordPerfect  
14 or Word format to the following address:  
15 bzpo@cand.uscourts.gov.

16 4. SETTLEMENT CONFERENCE

17 By agreement of the parties, this matter is referred to  
18 the Honorable Laurel Beeler for an early settlement  
19 conference. The parties shall promptly contact Judge Beeler's  
20 chambers to schedule a date for the conference.

21 5. PRETRIAL CONFERENCE

22 Not less than thirty days prior to the date of the  
23 pretrial conference, the parties shall meet and take all steps  
24 necessary to fulfill the requirements of this Order.

25 Not less than twenty-one days prior to the pretrial  
26 conference, the parties shall: (1) serve and file a joint  
27 pretrial statement, containing the information listed in  
28 **Attachment 1**, and a proposed pretrial order; (2) serve and

1 file trial briefs, Daubert motions, proposed findings of fact  
2 and conclusions of law, and statements designating excerpts  
3 from discovery that will be offered at trial (specifying the  
4 witness and page and line references); (3) exchange exhibits,  
5 agree on and number a joint set of exhibits and number  
6 separately those exhibits to which the parties cannot agree;  
7 (4) deliver all marked trial exhibits directly to chambers,  
8 attn: Rose Maher; (5) deliver one extra set of all marked  
9 exhibits directly to Chambers; and (6) submit all exhibits in  
10 three-ring binders. Each exhibit shall be marked with an  
11 exhibit label as contained in **Attachment 2**. The exhibits  
12 shall also be separated with correctly marked side tabs so  
13 that they are easy to find.

14 No party shall be permitted to call any witness or offer  
15 any exhibit in its case in chief that is not disclosed at  
16 pretrial, without leave of Court and for good cause.

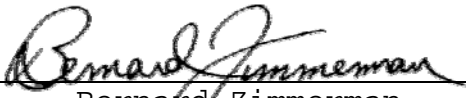
17 Lead trial counsel for each party shall meet and confer  
18 in an effort to resolve all disputes regarding anticipated  
19 testimony, witnesses and exhibits. Not less than eleven days  
20 prior to the pretrial conference, the parties shall serve and  
21 file any objections to witnesses or exhibits or to the  
22 qualifications of an expert witness, and any oppositions to  
23 Daubert motions. There shall be no replies.

24 A copy of all pretrial submissions, except for exhibits,  
25 shall be e-mailed in WordPerfect or Word format to the  
26 following address: [bzpo@cand.uscourts.gov](mailto:bzpo@cand.uscourts.gov)

27 At the time of filing the original with the Clerk's  
28 Office, **two copies of all documents** (but only one copy of

1 the exhibits) shall be delivered directly to Chambers (Room  
2 15-6688). Chambers' copies of all pretrial documents shall  
3 be three-hole punched at the side, suitable for insertion  
4 into standard, three-ring binders.

5 Dated: November 2, 2011

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7 \_\_\_\_\_  
8 Bernard Zimmerman  
9 United States Magistrate Judge

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1 **ATTACHMENT 1**

2 The parties shall file a joint pretrial conference  
3 statement containing the following information:

4 **(1) The Action.**

5 (A) Substance of the Action. A  
6 brief description of the  
7 substance of claims and  
8 defenses which remain to be  
9 decided.

10 (B) Relief Prayed. A detailed  
11 statement of each party's  
12 position on the relief  
13 claimed, particularly  
14 itemizing all elements of  
15 damages claimed as well as  
16 witnesses, documents or other  
17 evidentiary material to be  
18 presented concerning the  
19 amount of those damages.

20 **(2) The Factual Basis of the Action.**

21 (A) Undisputed Facts. A plain and  
22 concise statement of all  
23 relevant facts not reasonably  
24 disputable, as well as which  
25 facts parties will stipulate  
26 for incorporation into the  
27 trial record without the  
28 necessity of supporting  
testimony or exhibits.

(B) Disputed Factual Issues. A  
plain and concise statement of  
all disputed factual issues  
which remain to be decided.

(C) Agreed Statement. A statement  
assessing whether all or part  
of the action may be presented  
upon an agreed statement of  
facts.

(D) Stipulations. A statement of  
stipulations requested or  
proposed for pretrial or trial  
purposes.

**(3) Trial Preparation.**

A brief description of the efforts the parties have  
made to resolve disputes over anticipated testimony,

1 exhibits and witnesses.

2 (A) Witnesses to be Called. In  
3 lieu of FRCP 26(a)(3)(A), a  
4 list of all witnesses likely  
5 to be called at trial, other  
6 than solely for impeachment or  
7 rebuttal, together with a  
8 brief statement following each  
9 name describing the substance  
10 of the testimony to be given.

11 (B) Estimate of Trial Time. An  
12 estimate of the number of  
13 court days needed for the  
14 presentation of each party's  
15 case, indicating possible  
16 reductions in time through  
17 proposed stipulations, agreed  
18 statements of facts, or  
19 expedited means of presenting  
20 testimony and exhibits.

21 (C) Use of Discovery Responses. In  
22 lieu of FRCP 26(a)(3)(B), cite  
23 possible presentation at trial  
24 of evidence, other than solely  
25 for impeachment or rebuttal,  
26 through use of excerpts from  
27 depositions, from  
28 interrogatory answers, or from  
responses to requests for  
admission. Counsel shall  
state any objections to use of  
these materials and that  
counsel has conferred  
respecting such objections.

(D) Further Discovery or Motions.  
A statement of all remaining  
motions, including Daubert  
motions.

**(4) Trial Alternatives and Options.**

(A) Settlement Discussion. A  
statement summarizing the  
status of settlement  
negotiations and indicating  
whether further negotiations  
are likely to be productive.

(B) Amendments, Dismissals. A  
statement of requested or  
proposed amendments to  
pleadings or dismissals of

parties, claims or defenses.

(C) Bifurcation, Separate Trial of Issues. A statement of whether bifurcation or a separate trial of specific issues is feasible and desired.

(5) **Miscellaneous.**

Any other subjects relevant to the trial of the action, or material to its just, speedy and inexpensive determination.

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**ATTACHMENT 2**

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**USDC**  
Case No. CV09-01816 BZ  
**JOINT** Exhibit No. \_\_\_\_\_

Date Entered \_\_\_\_\_

Signature \_\_\_\_\_

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**PLNTF** Exhibit No. \_\_\_\_\_

Date Entered \_\_\_\_\_

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**USDC**  
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**DEFT** Exhibit No. \_\_\_\_\_

Date Entered \_\_\_\_\_

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