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

CENTURY SURETY COMPANY,

Plaintiff,

No. C 10-03917 WHA

v.

CLARENCE BYAL dba VIPER
LOUNGE,

Defendant.

**FIRST AMENDED CASE
MANAGEMENT ORDER**

CLARENCE BYAL dba VIPER
LOUNGE,

Third-Party Plaintiff,

v.

JAMES OBERLE,

Third-Party Defendant.

AND RELATED COUNTERCLAIMS.

On September 6, 2011, the parties filed a stipulated request “for an Order Amending the Court’s December 9, 2010 Minute Order following CMC (Doc #15) and establishing dates for certain key dates” (Dkt. No. 41). The request was denied without prejudice to considering a more narrowly tailored request to amend the case management order (Dkt. No. 42). The parties now request three specific alterations to the case management order (Dkt. No. 43). This second request is **GRANTED IN PART AND DENIED IN PART** as follows.

1 *First*, the request to move the deadline for filing dispositive motions from
2 October 20, 2011, to November 11, 2011, is **DENIED**. The final pretrial conference is scheduled
3 for November 28, 2011. October 20 is the last possible date on which a summary judgment
4 motion can be filed on the normal 35-day track if it is to be heard before the pretrial conference.

5 *Second*, the request to extend the deadline for disclosing opening expert reports — which
6 already passed — is **GRANTED IN PART**. The parties seek to extend the deadline from
7 August 31, 2011, to October 17, 2011. The proposed date of October 17 is too close to the
8 October 20 deadline for filing dispositive motions. Instead, the deadline for opening expert
9 reports shall be **SEPTEMBER 19, 2011**. Responsive reports will be due on **OCTOBER 3**, and reply
10 reports will be due on **OCTOBER 11**. In light of the August 31 original deadline, expert work
11 should already be underway. This new schedule will allow for completion of the expert reports
12 without disrupting the remainder of the case management schedule. The parties must take all
13 measures necessary to comply with this amended schedule, such as paying for expedited
14 transcripts of recent depositions.


15 *Third*, the request to extend the fact discovery period for the limited purpose of the
16 deposition scheduled for September 9, 2011, is **GRANTED**.

17 No more extensions of the foregoing dates will be granted. The extensions allowed herein
18 shall not be a basis for extending any other case management dates. The final pretrial conference
19 remains set for 2:00 p.m. on November 28, 2011. A bench trial remains set to begin at 7:30 a.m.
20 on December 5, 2011.

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IT IS SO ORDERED.

Dated: September 8, 2011.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE