

United States District Court
For the Northern District of California

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

Chi Nguyen,

NO. C 11-00756 JW

Plaintiff,

SCHEDULING ORDER

v.

Clean Harbors Env'tl Servs., Inc., et al.,

Defendants.

This case is scheduled for a Case Management Conference on January 23, 2012. Pursuant to the Federal Rules of Civil Procedure and Local Rules of this Court, the parties conferred and duly submitted a Joint Case Management Statement. (See Docket Item No. 26.) Based on their joint submission, it appears that a schedule for the case can be set without the necessity of an appearance at this time. Accordingly, the Case Management Conference is VACATED and the parties are ordered to comply with the following schedule:

CASE SCHEDULE

Close of All Discovery (¶ 9)	October 12, 2012
Last Date for Hearing Dispositive Motions (¶ 10) <i>(≈60 days after the Close of All Discovery)</i>	December 10, 2012
Preliminary Pretrial Conference at 11 a.m. (¶ 12) <i>(≈30 days before the Close of All Discovery)</i>	September 10, 2012
Preliminary Pretrial Conference Statements (¶ 11) <i>(Due 10 days before conference)</i>	August 31, 2012

1 a division which will avoid duplication (e.g., Plaintiff: 1-99,000; Defendant #1: 100,000-299,999;
2 Defendant #2: 300,000-500,000).

3 **Disclosure of Expert Witnesses**

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

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

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

19 **Rebuttal Expert Witnesses**

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

1 **Limitation on Testimony by Expert Witnesses**

2 8. Unless the parties enter into a written stipulation otherwise, upon timely
3 objection, an expert witness shall be precluded from testifying about any actions or opinions not
4 disclosed prior to the expert's deposition. This is to ensure that all factual material upon which
5 expert opinion may be based and all tests and reports are completed prior to the expert deposition.
6 Unless application is made prior to the close of expert discovery, each party will be limited to
7 calling only one expert witness in each discipline involved in the case.

8 **Close of Discovery**

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

12 **Last date for Hearing Dispositive Motions**

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

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

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

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

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

Dated: January 18, 2012



JAMES WARE
United States District Chief Judge

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

2 Alison Jacquelyn Cubre cubrea@jacksonlewis.com
3 Frank P. Sarro fpsarro@hotmail.com
4 Jamerson C. Allen allenj@jacksonlewis.com
5 Michael Robert Bracamontes mbracamontes@bvlawsf.com

6 **Dated: January 18, 2012**

Richard W. Wieking, Clerk

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

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