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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL RODMAN,  
Plaintiff,  
v.  
SAFEWAY INC.,  
Defendant.

Case No. 11-cv-03003-JST

**ORDER CONTINUING TRIAL DATE**

Re: ECF No. 371

On September 30, 2015, the Court held a telephonic case management conference at which the parties informed the Court that Defendant had produced ten potentially highly relevant documents just seven days before jury selection was scheduled to begin in this case. ECF No. 370. The Court then ordered the parties to file a joint letter brief outlining the disputes that needed to be resolved regarding the newly produced documents in advance of the scheduled October 7, 2015 trial date. *Id.* On October 1, 2015, the parties filed a joint letter brief, which the Court has reviewed. ECF No. 371. Having carefully considered the arguments made by both sides, the Court now rules as follows:

With trial only three business days away, it is not realistic or fair to expect Safeway simultaneously to prepare for trial and respond to Plaintiff's inquiries regarding the late-produced documents. Plaintiff's proposed schedule also leaves no time for the Court to rule on the disputes that will almost certainly arise after the parties have conducted additional discovery in the coming days. For example, it seems certain that the parties will dispute the admissibility of documents and testimony, but those disputes have not yet been identified. Also, the parties anticipate that there will need to be additional jury instructions, but those have not yet been drafted. There will need to be a further pretrial conference.

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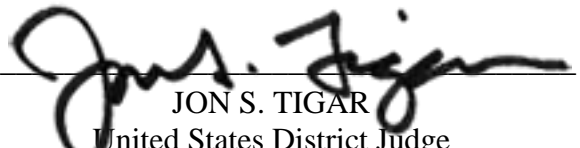
Accordingly, jury selection is continued to December 7, 2015 at 8:30 a.m. The Court will conduct a further pretrial conference on November 30, 2015 at 9:00 a.m. This schedule will enable the jurors to complete their service within the same week.<sup>1</sup>

The parties are ordered to submit a proposed schedule for the submission of additional jury instructions, motions in limine, and other items requiring pretrial relief by October 8, 2015. The parties' proposed schedule should allow the Court to carefully review the parties' submissions in advance of November 30, giving due regard to the Thanksgiving holiday.

The Court will issue a separate order shortly addressing the remaining disputes raised by the Parties in their joint letter brief.

IT IS SO ORDERED.

Dated: October 1, 2015

  
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JON S. TIGAR  
United States District Judge

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<sup>1</sup> The Court will be at a Ninth Circuit committee meeting on December 3 and 4.