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

VINCENT A. CEFALU,

Plaintiff,

v.

ERIC H. HOLDER, JR., U.S. Attorney
General, U.S. Department of Justice,

Defendant.

NO. C12-0303 TEH

ORDER VACATING TRIAL
DATE

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On April 15, 2013, the parties were referred, with their mutual consent, to Magistrate Judge Maria-Elena James for a mandatory settlement conference to occur no later than five calendar days before the October 21, 2013 pretrial conference. Apr. 15, 2013 Order for Pretrial Prep. ¶ 8 (Docket No. 69). At the time of referral, the Court advised the parties to contact Judge James well in advance so that they could secure a settlement conference date on her calendar.

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It appears that the parties failed to do so, and they are now unable to schedule a settlement conference before Judge James prior to the court-ordered deadline. Sept. 19, 2013 Stip. re: Settlement Conf. at 2 (Docket No. 132). The parties therefore request that the Court refer the matter for a settlement conference on October 3, 2013, before Magistrate Judge Donna M. Ryu or on October 4, 2013, before Magistrate Judge Howard R. Lloyd because the parties are available on those dates and those judges do not have any conflicts on their publicly available calendars. *Id.* However, the judges might not actually be available on those dates, and, in any event, the parties originally agreed to a settlement conference before Judge James and bear responsibility for being unable to schedule a timely settlement conference with her.

1 Accordingly, with good cause appearing, IT IS HEREBY ORDERED that the parties
2 shall schedule a mandatory settlement conference before Magistrate Judge James as soon as
3 her schedule will allow. The October 21, 2013 pretrial conference and October 29, 2013 trial
4 date are VACATED. On or before **October 8, 2013**, the parties shall file a joint case
5 management statement setting forth their settlement conference date, proposed new trial date,
6 and proposed new estimate for the length of the trial following this Court's granting in part
7 Defendant's motion for summary judgment.

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9 **IT IS SO ORDERED.**

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11 Dated: 09/24/13



THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT