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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

UNITED ASSOCIATION OF JOURNEYMAN) Case No. 17-CV-3037 RS

AND APPRENTICES OF THE PLUMBING)

AND PIPE FITTING INDUSTRY,)

UNDERGROUND UTILITY/LANDSCAPE)

LOCAL UNION NO. 355; MIGUEL INIGUEZ)

and FELIPE HERNANDEZ, as Local 355)

Trustees; FRANCISCO CRUZ ORTIZ and)

ALEJANDRO TREJO,)

Plaintiffs,)

v.)

)

MANIGLIA LANDSCAPE, INC.; COHEN)

LANDSCAPE SERVICES, INC.; LANDSCAPE)

CONTRACTORS COUNCIL OF NORTHERN)

CALIFORNIA; BARRY L. COHEN; LINDA G.)

ROSSMAN; OSCAR DE LA TORRE, DOYLE)

RADFORD, DAVID GORGAS, BRUCE RUST,)

FERNANDO ESTRADA, BYRON LONEY,)

ROBERT CHRISP, BILL KOPONEN, LARRY)

NIBBI AND MANUEL DE SANTIAGO, AS)

TRUSTEES OF THE LABORERS TRUST)

FUNDS FOR NORTHERN CALIFORNIA;)

NORTHERN CALIFORNIA DISTRICT)

COUNCIL OF LABORERS; AND DOES 1)

THROUGH 50,)

)

Defendants.)

**CASE SCHEDULING STIPULATION
AND
[proposed] ORDER AFTER
CASE MANAGEMENT CONFERENCE**

1 **STIPULATION RE CASE SCHEDULING**

2 Pursuant to Rule 16(b) of the Federal Rules of Civil Procedure, the parties attended a Case
3 Management Conference on December 20, 2018, where the Court and the parties agreed to the
4 following:

5 1. ALTERNATIVE DISPUTE RESOLUTION.

6 The parties have completed a session of mediation with the Hon. John M. True. No further
7 mediation is presently planned.

8 2. AMENDING THE PLEADINGS.

9 Any amendment of the pleadings after the date of this stipulation and order shall be
10 governed by Rule 15 of the Federal Rules of Civil Procedure.

11 On November 30, 2018, Plaintiffs filed a Third Amended Complaint. The Laborers
12 Defendants moved to strike that complaint, and the motion is presently under submission.
13 Plaintiffs and the Employer Defendants have agreed that the Employer Defendants will not be
14 required to respond to the Third Amended Complaint until the Court has ruled on the pending
15 motion to strike, and will be subject to the same terms the Court sets for the Laborers Defendants.

16 3. DISCOVERY.

17 On or before July 12, 2019, all non-expert discovery shall be completed by the parties.
18 Until the Further Case Management Conference on August 29, 2019, the parties shall engage in
19 interim discovery. Interim discovery shall be limited as follows: (a) six (6) non-expert depositions
20 per party; (b) twenty-five (25) interrogatories per party as discussed, including all discrete
21 subparts; (c) a reasonable number of requests for production of documents or for inspection per
22 party; and (d) a reasonable number of requests for admission per party.

23 4. DISCOVERY DISPUTES.

24 Discovery disputes will be referred to a Magistrate Judge. After the parties have met and
25 conferred, the parties shall prepare a joint letter of not more than 5 pages explaining the dispute.
26 Up to 12 pages of attachments may be added. The joint letter must be electronically filed under
27 the Civil Events category of "Motions and Related Filings > Motions--General > Discovery
28 Letter Brief." The Magistrate Judge to whom the matter is assigned will advise the parties of

1 how that Judge intends to proceed. The Magistrate Judge may issue a ruling, order more formal
2 briefing, or set a telephone conference or a hearing. After a Magistrate Judge has been assigned,
3 all further discovery matters shall be filed pursuant to that Judge's procedures.

4 5. EXPERT WITNESSES.

5 On or before July 26, 2019, all discovery of expert witnesses pursuant to Federal Rule of
6 Civil Procedure 26(b)(4) shall be completed.

7 6. FURTHER CASE MANAGEMENT CONFERENCE.

8 A Further Case Management Conference shall be held on August 29, 2019 at 10:00 a.m.
9 in Courtroom 3, 17th Floor, United States Courthouse, 450 Golden Gate Avenue, San Francisco,
10 California. The parties shall file a Joint Case Management Statement at least one week prior to
11 the Conference.

12 7. DISPOSITIVE MOTIONS.

13 Dispositive motions will be heard no later than October 3, 2019. The parties may modify
14 a motion's briefing schedule by agreement, but reply briefs must be filed no later than two weeks
15 before a motion's hearing date.

16 8. TRIAL.

17 This case is set for trial on February 10, 2020, at 8:30 a.m..

18 IT IS SO STIPULATED.

19 Dated: January 7, 2019

McCRACKEN, STEMERMAN & HOLSBERRY

20 By: /s/ John J. Davis, Jr. _____

21 John J. Davis, Jr.

22 David L. Barber

23 Attorney for Plaintiffs

24 Dated: January 7, 2019

WEINBERG, ROGER & ROSENFELD

25 By: /s/ Conchita Lozano-Batista _____

26 Conchita Lozano-Batista, Attorney for Defendants

27 Laborers Trustees and Northern California District

28 Council of Laborers

1 Dated: January 7, 2019

CARTER, CARTER, FRIES & GRUNSCHLAG

2 By: /s/ Michelle Q. Carter

3 James A. Carter

4 Michelle Q. Carter

Attorneys for Employer Defendants

5 **Attestation**

6 Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, I attest that concurrence in the
7 filing of this document has been obtained from the other signatories.

8 Dated: January 7, 2019

By: /s/ John J. Davis, Jr.

9 John J. Davis, Jr.

10
11 **ORDER OF APPROVAL**

12 IT IS SO ORDERED.

13
14 Dated: January 7, 2019



15 Hon. RICHARD SEEBORG
16 United States District Judge
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