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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

INEZ FINLEY,

Plaintiff,

v.

WELLS FARGO BANK,

Defendant.

No. C 07-00664 SBA

ORDER

[Docket Nos. 72-73]

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10 Before the Court are the parties' Stipulation to File Second Amended Complaint [Docket
11 No. 72] and Stipulation to Extend Time for Hearing on Defendant's Motion for Summary Judgment
12 [Docket No. 73]. For the following reasons the Court GRANTS the first stipulation, vacates all
13 pending dates in this matter, and DENIES the second one as moot.

14 On February 1, 2007, plaintiff, in propria persona, sued defendant for employment
15 discrimination under California and federal law. *See* Docket No. 1. On May 11, 2007, the Court set
16 a scheduling order, with discovery due by January 4, 2008, and set a trial for July 21, 2008. *See*
17 Docket No. 11. The parties then proceeded through some rather convoluted discovery and
18 procedural disputes which are well known to the parties and thus need not be repeated here. On
19 December 11, 2007, the Court granted plaintiff's motion to amend her complaint, to which
20 defendant filed a statement of non-opposition. *See* Docket Nos. 36, 38. Plaintiff filed her First
21 Amended Complaint ("FAC") that same day. *See* Docket No. 40. The day prior, plaintiff had filed
22 a motion to extend the discovery cut-off. *See* Docket No. 37.

23 Defendant answered the FAC on March 6, 2008. *See* Docket No. 46. On March 21, 2008,
24 plaintiff filed a request for the Court to rule on her motion to extend discovery. *See* Docket No. 48.
25 On April 8, 2008, defendant filed a motion for summary judgment ("MSJ"). *See* Docket No. 50. On
26 April 25, 2008, after a telephonic conference with the parties, the Court granted the discovery
27 extension and gave the parties until May 30, 2008 to determine and file a new discovery cutoff date

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1 with the Court. *See* Docket No. 56 at 1. The Court also denied the MSJ without prejudice. *See id.*
2 A settlement conference was set for June 2, 2008. *See* Docket No. 57.

3 On May 5, 2008, plaintiff associated in counsel. *See* Docket No. 58. On June 5, 2008, the
4 Court approved the parties' stipulation to continue discovery through June 30, 2008. *See* Docket
5 No. 63. On June 18, 2008, a case management conference was held. *See* Docket No. 65. The Court
6 approved an expert discovery cutoff of September 12, 2008, a motion cutoff of September 16, 2008,
7 and set a trial for November 17, 2008. *See id.* On July 24, 2008, the Court approved the parties'
8 stipulation to continue their settlement conference to August 4, 2008. *See* Docket No. 68. On
9 August 7, 2008, the Court approved the parties' stipulation to extend the deadline for a hearing on
10 defendant's MSJ to October 7, 2008, the same day their pretrial pleadings are due. *See* Docket
11 No. 71. In their stipulation, the parties indicated production was pending from plaintiff, and her
12 deposition was set for August 11, 2008. *See id.*

13 On August 21, 2008, the parties filed the two stipulations before the Court. *See* Docket
14 Nos. 72-73. In the first stipulation, the parties agree plaintiff may file a Second Amended Complaint
15 ("SAC"), the deadline for a hearing on defendant's MSJ will be October 14, 2008,¹ defendant may
16 file dispositive motions regarding the SAC, and all other dates will remain unchanged. Docket
17 No. 72. In the second stipulation, the parties indicate further production is pending from plaintiff,
18 and they wish to shorten by one week the pleading period for the MSJ, its opposition, and any reply.
19 Docket No. 73.

20 Given the SAC appears to greatly streamline the claims in dispute, the parties have been
21 conducting discovery and engaging in settlement discussions, and the time constraints imposed by
22 the current scheduling order, the Court orders as follows:

23 (1) The Court GRANTS in part and DENIES in part the parties' Stipulation to File
24 Second Amended Complaint [Docket No. 72]: Plaintiff shall file her Second Amended Complaint
25 within five days of the date of the entry of this Order. Defendant shall file an answer or responsive
26 pleading within twenty-five days of the date of the entry of this Order.

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28 ¹ This is after the October 7, 2007 deadline for filing pretrial pleadings.

1 (2) The Court DENIES the parties' Stipulation to Extend Time for Hearing on
2 Defendant's Motion for Summary Judgment [Docket No. 73] as moot.

3 (3) The Court VACATES all pending dates in this matter, including the trial date of
4 November 7, 2008 and the pretrial conference date of October 28, 2008.

5 (4) The Court sets a Case Management Conference for October 9, 2008 at 2:30 p.m. The
6 parties shall **meet and confer** prior to the conference and shall prepare a joint Case Management
7 Conference Statement which shall be filed no later than ten (10) days prior to the Case Management
8 Conference that complies with the Standing Order for All Judges of the Northern District of
9 California and the Standing Order of this Court. Plaintiffs shall be responsible for filing the
10 statement as well as for arranging the conference call. All parties shall be on the line and shall call
11 (510) 637-3559 at the above indicated date and time.

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13 IT IS SO ORDERED.

14 September 2, 2008

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16 Sandra Brown Armstrong
17 United States District Judge
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