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 19 **UNITED STATES DISTRICT COURT**
 20 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

21 NICOLE VILLEGAS, as an individual and on
 behalf of all others similarly situated,

22 Plaintiff,

23 vs.

24 J.P. MORGAN CHASE & CO., a Delaware
 corporation; JPMORGAN CHASE BANK,
 25 N.A., a national association; CHASE BANK
 USA, N.A., a national association; and DOES 1
 26 through 50, inclusive,

27 Defendants.

Case No.: CV 09-00261 SBA(EMC)

**ORDER GRANTING JOINT AMENDED
 STIPULATION TO CONTINUE DEADLINES
 AND PRETRIAL PREPARATION**

1 **ORDER**

2 Pursuant to Rule 16(e) of the Federal Rules of Civil Procedure (“FRCP”), IT IS
3 HEREBY ORDERED AS FOLLOWS:

4 **A. DEADLINE FOR JOINDER OF PARTIES/AMENDING THE PLEADINGS**

5 The deadline for the joinder of other parties and to amend the pleadings is May 5, 2011.
6 Any requests to join other parties or amend the pleadings are subject to applicable Federal Rules of
7 Civil Procedure and Local Rules.

8 **B. DISCOVERY CUT-OFF**

9 All discovery, except for expert discovery, shall be completed and all depositions taken
10 on or before July 5, 2011. The parties are responsible for scheduling discovery so that motions to
11 resolve discovery disputes can be heard before the above discovery cut-off.

12 **C. EXPERT DESIGNATION AND DISCOVERY**

13 Plaintiff shall designate any experts by October 11, 2011; Defendants by October 11,
14 2011; rebuttal disclosure by November 10, 2011. Any expert not so named may be disallowed as a
15 witness. No expert will be permitted to testify to any opinion, or basis or support for an opinion, that
16 has not been disclosed in response to an appropriate question or interrogatory from the opposing party.
17 Expert discovery shall be completed by December 9, 2011.

18 **D. MOTION CUT-OFF**

19 All dispositive motions shall be *heard* on or before September 20, 2011, at 1:00 p.m.
20 The parties must meet and confer *prior* to filing any motion. The movant shall certify to the Court in
21 its moving papers that it has complied with this requirement. Should the parties fail to meet and
22 confer, the Court may decline to entertain the motion.

23 **THIS COURT DOES NOT RESERVE MOTION HEARING DATES.** The parties
24 are advised to check Judge Armstrong’s calendar at www.cand.uscourts.gov, under Scheduling
25 Information to determine the next available hearing date, particularly in the case of a dispositive
26 motion. The parties are advised *not* to wait until 35 days prior to the law and motion cut-off date to
27 file and serve their motion. As the Court’s law and motion calendar tends to fill quickly, there is *no*

1 guarantee that a hearing date within the law and motion cut-off date will be available. You MUST
2 submit a hard copy of all motion papers filed in E-FILED cases in order to be placed on calendar.

3 Pursuant to Civil Local Rule 7-1, 7-2, and 7-3, all civil motions shall be noticed for a
4 hearing not less than thirty-five (35) calendar days after service. The opposition and supporting papers
5 shall be filed not less than twenty-one (21) days before the noticed hearing date. The reply shall be
6 filed not less than fourteen (14) days before the hearing date. Documents not filed in compliance with
7 these time specifications will not be considered by the Court.

8 The failure of the opposing party to file a memorandum of points and authorities in
9 opposition to any motion shall constitute a consent to the granting of the motion.

10 The parties are not required to file a statement of undisputed facts in connection with a
11 motion for summary judgment. However, if the parties desire to file a statement of undisputed facts,
12 only one joint statement of undisputed facts signed by all parties, shall be filed. All separate
13 statements will be stricken. If the parties are unable to agree that a fact is undisputed, they should
14 assume that fact is in dispute.

15 Note that pursuant to Civil L.R. 7-1(b), the Court may, in its discretion, adjudicate
16 motions *without* oral argument.

17 **E. MANDATORY SETTLEMENT CONFERENCE DEADLINE**

18 All parties are ordered to participate in a mandatory settlement conference during the
19 following time period: October 2011.

20 **F. PRETRIAL CONFERENCE**

21 All Counsel who will try the case shall appear for a pretrial conference in Courtroom 1
22 on December 13, 2011 at 1:00 p.m. All Counsel shall be fully prepared to discuss all aspects of the
23 trial. Failure to file the requisite pretrial documents in advance of the pretrial conference may result in
24 vacation of the pretrial conference and/or the imposition of sanctions. ***ALL PARTIES WITH***
25 ***SETTLEMENT AUTHORITY ARE REQUIRED TO ATTEND THE PRETRIAL CONFERENCE.***

26 **G. PRETRIAL PREPARATION DUE NOVEMBER 15, 2011**

1 objections to the use of these materials and advise the Court that counsel has conferred respecting such
2 objections.

3 f. **Jury Instructions**

4 The parties shall file a joint set of proposed jury instructions as to those
5 instructions on which the parties have reached agreement. As to any disputed instructions, each party
6 shall separately submit its "proposed" instruction(s) supported by a memorandum setting forth the
7 authority for its use. Responses or objections to any "proposed" jury instruction shall be filed no later
8 than the date of the pretrial conference. All instructions shall be written in plain English which is
9 comprehensible to jurors, concise and free of argument, and shall be organized in a logical fashion so
10 as to aid jury comprehension, and are also to be provided on a CD in a word format. The Court's
11 practice is to utilize, whenever possible, instructions found in the Ninth Circuit Manual of Model Jury
12 Instructions.

13 g. **Jury Voir Dire and Verdict Forms**

14 Each party shall submit proposed questions for jury voir dire and a
15 proposed form of verdict.

16 h. **Exhibits**

17 Each party shall provide every other party one set of all exhibits, charts,
18 schedules, summaries and diagrams and other similar documentary materials to be used at the trial
19 together with a complete list of all such exhibits. The Court requires one original version of exhibits
20 (as described above) for the Clerk and two copies (one for the Bench and one for the witness stand).
21 All such versions of the exhibits, including the originals, should be indexed into a binder for easy and
22 quick reference by all parties. The first page of each binder should have a copy of the exhibit list (see
23 attached) appropriately completed with each exhibit description and its designated number. Plaintiffs
24 shall refer to their exhibits numerically and Defendants shall label theirs alphabetically. Exhibit labels
25 are also attached for your convenience. Exhibits should be brought to Court on the first day of trial.
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1 3. The following matters shall be accomplished no later than *twenty-one (21)*
2 *calendar days* prior to the pretrial conference: **Motions in Limine and Objections to Evidence due:**
3 November 22, 2011.

4 4. Responses to motions in limine or objections to evidence shall be filed and
5 served no less than *fourteen (14) calendar days* prior to the pretrial conference due: November 29,
6 2011.

7 5. Replies to motions in limine or objections to evidence shall be filed and served
8 no less than *seven (7) calendar days* prior to the pretrial conference due: December 6, 2011.

9 **NOTE:** All motions in limine submitted by each party shall be set forth *in a*
10 *single memorandum*, not to exceed fifteen (15) pages in length. Responses to the motions in limine
11 shall be set forth in a single memorandum, not to exceed fifteen (15) pages in length. Reply briefs
12 shall not exceed ten (10) pages. No motions in limine will be considered unless the parties certify that
13 they met and conferred prior to the filing of such motion. Any request to exceed the page limit must
14 be submitted prior to the deadline for these briefs and must be supported by a showing of good cause,
15 along with the certification that the applicant has met and conferred with the opposing party.

16 **H. TRIAL DATE**

17 Trial before a Jury will begin on January 9, 2012, at 8:30 a.m., or as soon thereafter
18 as the Court may designate, with an estimated trial length of 15 to 20 days. The parties are advised that
19 they must be prepared to go to trial on a trailing basis. The trial will take place in Courtroom 1 of the
20 United States Courthouse, 1301 Clay Street, 4th Floor, Oakland, California, 94612. The Court's trial
21 hours are from 8:30 a.m. to 2:00 p.m., with two fifteen-minute breaks, on Monday, Wednesday,
22 Thursday and Friday. ***On the first day of trial all parties are required to have someone in Court with***
23 ***full Settlement Authority.***

24 **I. TRANSCRIPTS**

25 If transcripts will be requested during or immediately after the trial, arrangements
26 must be made with the Court Reporter Coordinator (Telephone No. 510-637-3534) at least one week
27 prior to the commencement of trial commences.

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J. STATUS AND DISCOVERY CONFERENCES


Any party desiring to confer with the Court may, upon notice to all other parties, arrange a conference through the courtroom deputy (Telephone No. 510-637-3541). Conferences may be conducted telephonically, upon request (preferably in writing).

K. SANCTIONS

Failure to comply with this order may result in the imposition of sanctions pursuant to FRCP 16(f).

IT IS SO ORDERED.

DATED: 12/13/10


SAUNDRA BROWN ARMSTRONG
United States District Judge