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

No. C-09-1593 CW, Newbeck, et al. v. Washington Mutual Bank

AMENDED ORDER SETTING CASE MANAGEMENT CONFERENCE

The above matter having been assigned to Judge Wilken,
IT IS HEREBY ORDERED, pursuant to Rule 16, Federal Rules of
Civil Procedure, and Civil Local Rule 16, that a case management
conference will be held before Judge Wilken on Tuesday, **October 20,**
2009, at 2:00 p.m., in Courtroom 2, 4th Floor, 1301 Clay Street,
Oakland, California.

Lead trial counsel shall meet and confer not less than thirty
(30) days in advance of the conference and shall file a joint case
management statement in the form contained in the Civil Local Rules
(see attached) not less than ten (10) days in advance of the
conference.

If the conference is inconveniently scheduled, it may be
rescheduled by stipulation and order to another date or time
convenient to the Court's calendar.

At the conclusion of the conference, an order will be entered
setting dates either for a further case management conference, or
for close of discovery, pretrial conference, and trial. Other
orders regulating and controlling future proceedings may be
entered.

Plaintiffs shall serve copies of this Order at once on all
parties to this action, and on any parties subsequently joined, in

United States District Court
For the Northern District of California

1 accordance with Fed. R. Civ. P. 4 and 5. Following service,
2 Plaintiffs shall file a certificate of service with the Clerk of
3 this Court.

4 FAILURE TO COMPLY WITH THIS ORDER may be deemed sufficient
5 grounds for dismissal of this cause, default or other appropriate
6 sanctions. See Fed. R. Civ. P. 16(f).

7 See attached for standard procedures.

8 IT IS SO ORDERED.

9 Dated: 8/4/09



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

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26 (Rev. 10/10/07)

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NOTICE

Case Management Conferences and Pretrial Conferences are conducted on **Tuesdays** at 2:00 p.m. **Criminal Law and Motion** calendar is conducted on **Wednesdays** at 2:00 p.m. for defendants in custody and 2:30 p.m. for defendants not in custody. **Civil Law and Motion** calendar is conducted on **Thursdays** at 2:00 p.m. Order of call is determined by the Court. Counsel need not reserve a hearing date for civil motions; however, counsel are advised to check the legal newspapers or the Court's website at www.cand.uscourts.gov for unavailable dates.

Motions for Summary Judgment: All issues shall be contained within one motion of 25 pages or less, made on 35 days notice. (See Civil L.R. 7-2). Separate statements of undisputed facts in support of or in opposition to motions for summary judgment will not be considered by the Court. (See Civil Local Rule 56-2(a)). The motion and opposition should include a statement of facts supported by citations to the declarations filed with respect to the motion. Evidentiary and procedural objections shall be contained within the motion, opposition or reply; separate motions to strike will not be considered by the Court. Any cross-motion shall be contained within the opposition to any motion for summary judgment, shall contain 25 pages or less, and shall be filed 21 days before the hearing. The reply to a motion may contain up to 15 pages, shall include the opposition to any cross-motion, and shall be filed 14 days before the hearing. (See Civil Local Rule 7-3). The Court may, *sua sponte* or pursuant to a motion under Civil L.R. 6-3, reschedule the hearing so as to give a moving party time to file a reply to any cross-motion.

All discovery motions are referred to a Magistrate Judge to be heard and considered at the convenience of his/her calendar. All such matters shall be noticed by the moving party for hearing on the assigned Magistrate Judge's regular law and motion calendar, or pursuant to that Judge's procedures.

Pursuant to General Order 45, § VI.G, "In all cases subject to ECF, in addition to filing papers electronically, the parties are required to lodge for chambers **no later than noon on the business day following the day that the papers are filed electronically**, one paper copy of each document that is filed electronically."

(rev. 10/10/07)

1 **STANDING ORDER FOR ALL JUDGES OF THE NORTHERN DISTRICT OF**
2 **CALIFORNIA**

3 **CONTENTS OF JOINT CASE MANAGEMENT STATEMENT**

4 Commencing March 1, 2007, all judges of the Northern District of California require the identical
5 information in Joint Case Management Statements filed pursuant to Civil Local Rule 16-9. The
6 parties must include the following information in their statement which, except in unusually
7 complex cases, should not exceed ten pages:

- 8 1. Jurisdiction and Service: The basis for the court’s subject matter jurisdiction over
9 plaintiff’s claims and defendant’s counterclaims, whether any issues exist regarding personal
10 jurisdiction or venue, whether any parties remain to be served, and, if any parties remain to be
11 served, a proposed deadline for service.
- 12 2. Facts: A brief chronology of the facts and a statement of the principal factual
13 issues in dispute.
- 14 3. Legal Issues: A brief statement, without extended legal argument, of the disputed points
15 of law, including reference to specific statutes and decisions.
- 16 4. Motions: All prior and pending motions, their current status, and any anticipated motions.
- 17 5. Amendment of Pleadings: The extent to which parties, claims, or defenses are expected to be
18 added or dismissed and a proposed deadline for amending the pleadings.
- 19 6. Evidence Preservation: Steps taken to preserve evidence relevant to the issues reasonably
20 evident in this action, including interdiction of any document-destruction program and any ongoing
21 erasures of e-mails, voice mails, and other electronically-recorded material.
- 22 7. Disclosures: Whether there has been full and timely compliance with the initial disclosure
23 requirements of Fed. R. Civ. P. 26 and a description of the disclosures made.
- 24 8. Discovery: Discovery taken to date, if any, the scope of anticipated discovery, any proposed
25 limitations or modifications of the discovery rules, and a proposed discovery plan pursuant to Fed.
26 R. Civ. P. 26(f).
- 27 9. Class Actions: If a class action, a proposal for how and when the class will be certified.
- 28 10. Related Cases: Any related cases or proceedings pending before another judge of this court,
or before another court or administrative body.
- 11 11. Relief: All relief sought through complaint or counterclaim, including the amount of any
damages sought and a description of the bases on which damages are calculated. In addition, any
party from whom damages are sought must describe the bases on which it contends damages should
be calculated if liability is established.
- 12 12. Settlement and ADR: Prospects for settlement, ADR efforts to date, and a specific ADR plan
for the case, including compliance with ADR L.R. 3-5 and a description of key discovery or motions
necessary to position the parties to negotiate a resolution.
- 13 13. Consent to Magistrate Judge For All Purposes: Whether all parties will consent to have a
magistrate judge conduct all further proceedings including trial and entry of judgment.

- 1 14. Other References: Whether the case is suitable for reference to binding arbitration, a special
2 master, or the Judicial Panel on Multidistrict Litigation.
- 3 15. Narrowing of Issues: Issues that can be narrowed by agreement or by motion, suggestions to
4 expedite the presentation of evidence at trial (e.g., through summaries or stipulated facts), and any
5 request to bifurcate issues, claims, or defenses.
- 6 16. Expedited Schedule: Whether this is the type of case that can be handled on an expedited
7 basis with streamlined procedures.
- 8 17. Scheduling: Proposed dates for designation of experts, discovery cutoff, hearing of
9 dispositive motions, pretrial conference and trial.
- 10 18. Trial: Whether the case will be tried to a jury or to the court and the expected length of the
11 trial.
- 12 19. Disclosure of Non-party Interested Entities or Persons: Whether each party has filed the
13 “Certification of Interested Entities or Persons” required by Civil Local Rule 3-16. **In addition,**
14 each party must restate in the case management statement the contents of its certification by
15 identifying any persons, firms, partnerships, corporations (including parent corporations) or other
16 entities known by the party to have either: (i) a financial interest in the subject matter in controversy
17 or in a party to the proceeding; or (ii) any other kind of interest that could be substantially affected
18 by the outcome of the proceeding.
- 19 20. Such other matters as may facilitate the just, speedy and inexpensive disposition of this
20 matter.
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1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 VERONICA NEWBECK et al,

Case Number: CV09-01599 CW

5 Plaintiff,

CERTIFICATE OF SERVICE

6 v.

7 WASHINGTON MUTUAL BANK et al,

8 Defendant.

9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
10 Court, Northern District of California.

11 That on August 4, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
14 located in the Clerk's office.

15 John J. Ford
16 230 Cordova Street
17 San Francisco, CA 94112

17 Veronica Newbeck
18 230 Cordova Street
19 San Francisco, CA 94112

20 Dated: August 4, 2009

Richard W. Wiekling, Clerk
By: Sheilah Cahill, Deputy Clerk

United States District Court
For the Northern District of California