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2 UNITED STATES DISTRICT COURT
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA
4 OAKLAND DIVISION
5

6 GSC LOGISTICS, INC.,

7 Plaintiff,

8 vs.

9 STAR GALAXY LOGISTICS, INC., and
10 IRVINDER S. DHANDA,

11 Defendants.
12

Case No: C 09-5886 SBA

**ORDER SETTING BRIEFING
SCHEDULE AND CONTINUING
CASE MANAGEMENT
CONFERENCE**

13 This matter is the Court's calendar for a case management conference scheduled for
14 May 6, 2010. In the parties' joint statement, Plaintiff indicates its intention to file a motion for
15 summary judgment. However, before the parties and Court invest further time and resources in
16 this matter, the Court directs the parties to make a good faith attempt to resolve this dispute
17 without the need for additional litigation. In the event the parties are unable to resolve their
18 dispute following the settlement conference, Plaintiff shall proceed with the filing of its motion
19 for summary judgment. Accordingly,

20 IT IS HEREBY ORDERED THAT:

21 1. The instant action is REFERRED to Chief Magistrate Maria Elena James or her
22 designee for a Mandatory Settlement Conference (MSC) to take place prior to June 30, 2010.
23 The assigned Magistrate Judge will notify the parties regarding the date and time of the MSC,
24 along with any papers to be submitted in connection with the settlement conference.

25 2. If the case does not resolve by June 30, 2010, Plaintiff is directed to file its
26 motion for summary judgment by no later than **July 13, 2010**.

27 3. Any opposition to the Plaintiff's summary judgment motion shall be filed with
28 the Court and served on Plaintiff's counsel by no later than **July 27, 2010**. Defendant should

1 be aware that if the Court grants Plaintiff's motion, the case will be over and that a judgment
2 may be entered against him. Federal Rule of Civil Procedure 56 instructs parties what they
3 must do in order to oppose a motion for summary judgment. Generally, summary judgment
4 must be granted when there is no genuine issue of material fact -- that is, if there is no real
5 dispute about any fact that would affect the result of the case, the party moving for summary
6 judgment is entitled to judgment as a matter of law, which will end the case. When a party
7 presenting a a motion for summary judgment that is properly supported by declarations (or
8 other sworn testimony), the defendant cannot simply rely on what his answer alleges. Rather,
9 the party opposing a summary judgment motion must set out specific facts in declarations,
10 depositions, answers to interrogatories, or authenticated documents, as provided in Rule 56(e),
11 that contradict the facts shown in the Plaintiff's declarations and documents and show that
12 there is a genuine issue of material fact for trial. Such evidence may include sworn
13 declarations from the defendant and/or other witnesses to the incident, and copies of documents
14 authenticated by sworn declaration. If Defendant does not submit his own evidence in
15 opposition, summary judgment, if appropriate, may be entered against him, meaning that there
16 will be no trial. See Rand v. Rowland, 154 F.3d 952, 962-63 (9th Cir. 1998) (en banc).

17 **In addition, Defendant is warned that the failure to file an opposition by July 27, 2010**
18 **will be deemed to be a non-opposition to the motion, meaning that the Court may grant**
19 **the motion and terminate the case.**

20 3. Plaintiff shall file its reply brief by later than **August 3, 2010**.

21 4. The hearing on Plaintiff's motion for summary judgment shall take place on
22 **September 14, 2010 at 1:00 p.m.** The hearing shall take place in Courtroom 1 of the United
23 States District Courthouse, 1301 Clay St., Oakland, California. The Case Management
24 Conference previously scheduled for May 6, 2010 is CONTINUED to September 14, 2010,
25 and shall follow the hearing on the motion. The Court may decide the motion without a
26 hearing. Fed.R.Civ.P 78(b). The parties are advised the check the Court's website to
27 determine whether an appearance on September 14, 2010 is required.

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IT IS SO ORDERED.

Dated: May 6, 2010


SAUNDRA BROWN ARMSTRONG
United States District Judge

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2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 GSC LOGISTICS, INC et al,

5 Plaintiff,

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7 STAR GALAXY LOGISTICS, INC. et al,

8 Defendant.

9 _____/

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CERTIFICATE OF SERVICE

11

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

14

15 That on May 10, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said
16 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
17 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
18 located in the Clerk's office.

19

20

21 Irvinder S Dhanda
22 342 Cordes Avenue
23 Mountain House, CA 95391

24

Dated: May 10, 2010

25

Richard W. Wieking, Clerk

26

By: LISA R CLARK, Deputy Clerk

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