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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FORMFACTOR, INC.,

Plaintiff,

No. C 10-3095 PJH

v.

ORDERMICRO-PROBE INCORPORATED,
et al.,Defendants.
_____ /

On April 28, 2011, the court held a case management conference in this case, at which time the court set a date of April 4, 2012 for dispositive motions to be heard in Phase I of the case, and also set a July 12, 2012 date for the Phase I pretrial conference, and a August 6, 2012 date for the Phase I trial. The court directed the parties to meet and confer regarding the other pretrial dates, and to submit a stipulation and proposed order. Then, on May 2, 2011, the court issued a Case Management and Pretrial Order, setting the dispositive motions hearing date for April 4, 2012, the pretrial conference date for July 12, 2012, and the trial date for August 6, 2012.

On October 20, 2011, the parties submitted a stipulation and proposed order regarding the Phase I schedule, in which they requested that the trial date be moved to November 26, 2012, and that the remaining dates be shifted by approximately three months, which included changing the dispositive motions hearing date to July 27, 2012, and the pretrial conference to October 12, 2012.

1 On November 1, 2011, the parties submitted a revised stipulation and proposed
2 order regarding the Phase I schedule, in which they set the pretrial conference for July 12,
3 2012, and the trial for August 6, 2012 (as previously ordered by the court). However, they
4 unilaterally changed the date for the hearing on dispositive motions, to June 7, 2012 (which
5 is not available as a motions hearing date, in any event, as it is a Thursday). The court did
6 not notice the change in the dispositive motions hearing date, and the proposed order was
7 signed on November 7, 2011.

8 Unfortunately, the court is unable to hear a motion for summary judgment a mere
9 five weeks before the pretrial conference. It does not even make sense to set the hearing
10 on that date, as the parties' pretrial papers are due a week later, on June 14, 2011. It is the
11 court's usual practice to set the dispositive motions hearing date 120 days out from the trial
12 date, to allow sufficient time to issue the order before the parties begin the process of
13 meeting and conferring, and preparing their pretrial papers. In this case, it will not be
14 possible for the court to hear summary judgment motions 120 days before the trial because
15 it is now March 15, 2012, and the motions have not even been filed yet.

16 The latest possible date that the court can hear dispositive motions in this case is
17 May 2, 2012. That means that the motion or motions must be filed no later than March 28,
18 2012. The parties will advise the court if they are amenable to meeting that deadline. If
19 not, they shall contact the Courtroom Deputy to schedule a case management conference,
20 for the purpose of rescheduling the trial and pretrial dates.

21
22 **IT IS SO ORDERED.**

23 Dated: March 14, 2012



PHYLLIS J. HAMILTON
United States District Judge