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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND BRANCH

MICHAEL J. MARALDO and )  
STEPHEN J. MARALDO, )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
LIFE INSURANCE COMPANY OF THE )  
SOUTHWEST a/k/a "LSW", EQUITA )  
FINANCIAL AND INSURANCE SERVICES, )  
and DOES 1 through 100, )  
 )  
Defendants. )

Case No. C 11-04972-YGR

~~PROPOSED~~ SCHEDULING AND  
PRETRIAL ORDER (AS MODIFIED BY  
THE COURT)

The Court, having reviewed the parties' Joint Case Management Statement and having conducted a case management conference on October 1, 2012 pursuant to Fed. R. Civ. P. 16 and N.D. Cal. Civil L.R. 16, hereby ORDERS that:

1. **Pre-Discovery Disclosures.** To the extent not already served, the parties will exchange by **October 15, 2012** the information required by Fed. R. Civ. P. 26(a)(1).
2. **Fact Discovery.**
  - a. All requests for discovery of electronic documents shall be made no later than **December 1, 2012.**<sup>1</sup>
  - b. All fact discovery shall be completed by **September 24, 2013.**
3. **Class Certification.**
  - a. Plaintiffs shall file any motion for class certification no later than **June 25, 2013.**

<sup>1</sup> This date was not addressed in Court during the CMC, but has been agreed to by the parties.

1 b. Defendants shall oppose any motion for class certification no later than **July**  
2 **23, 2013.**

3 c. Plaintiffs shall file any reply memorandum in support of a motion for class  
4 certification no later than **August 6, 2013.**

5 d. A hearing on any motion for class certification shall be held on **August 27,**  
6 **2013** at 2:00 p.m.

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8 4. **Expert Discovery.**

9 a. Plaintiffs shall identify any expert witnesses and serve expert reports pursuant  
10 to Fed. R. Civ. P. 26(a)(2) no later than **October 22, 2013.**

11 b. Defendants shall identify any expert witnesses and serve expert reports  
12 pursuant to Fed. R. Civ. P. 26(a)(2) no later than **November 19, 2013.**

13 c. All expert discovery shall be completed by **December 17, 2013.**

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15 5. **Amendment of Pleadings.** Plaintiffs shall file a motion for leave to amend their  
16 Second Amended Complaint, if any, by **October 12, 2012.**

17 6. **Summary Judgment.** The parties shall file any motion for summary judgment by  
18 **January 14, 2014.**

19 7. **ADR.** The parties are ordered to participate in Early Neutral Evaluation (“ENE”)  
20 pursuant to ADR Local Rule 5 to be completed by **January 31, 2013.**

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22 8. **Subsequent Case Management Conferences.** A case management conference will  
23 be held on **February 25, 2013** at **2:00 p.m.** The parties shall file a joint case management statement  
24 on **February 11, 2013.**

25 9. **Pretrial Conference.** The Court will hold a pretrial conference at a date to be  
26 determined.

27 Respectfully submitted,

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/s/ Jonathan A. Shapiro

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**ORDER**

Subject to the modifications by the Court, the above scheduling order submitted by the parties is **SO ORDERED** in this action.

Dated: October 9, 2012

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE