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

6 FIRST RESORT, INC.,

7 Plaintiff,

8 vs.

9 DENNIS J. HERRERA, et al.,

10 Defendants.

Case No: C 11-5534 SBA

CASE MANAGEMENT ORDER

11
12 The Court has read and considered the proposals set forth in the Joint Case
13 Management Statement, filed April 20, 2016, regarding the further handling of this matter
14 consistent with the Ninth Circuit's limited remand. Dkt. 131, 129. Accordingly, the Court
15 hereby orders as follows:

16 1. Within seven (7) days of the date this Order is filed, Defendants shall serve
17 written discovery upon Plaintiff. Such discovery shall be limited to issue framed by the
18 Ninth Circuit in its remand order; i.e., whether Plaintiff has standing to pursue an appeal.
19 Plaintiff shall serve its responses to these requests in the manner and time prescribed by the
20 Federal Rules of Civil Procedure.

21 2. The parties shall use their best efforts to resolve any discovery disputes. In
22 the event that judicial intervention is required to resolve any discovery dispute, said dispute
23 shall be REFERRED to Magistrate Judge Kandis Westmore ("Magistrate"). The parties
24 shall submit their dispute to the Magistrate consistent with her Standing Orders, along with
25 a request for expedited resolution of the matter.

26 3. Within twenty-one (21) days after Plaintiff serves its discovery responses, or
27 the Magistrate rules on any discovery dispute, whichever is later, the parties shall file either
28 a joint stipulation and proposed order regarding standing, or a proposed schedule to file

1 briefs relating to the standing issue. If the parties are unable to agree on a briefing
2 schedule, they may set forth their respective proposals separately. The Court will thereafter
3 issue a briefing schedule to resolve the issue of Plaintiff's standing to pursue an appeal.

4 IT IS SO ORDERED.

5 Dated: 4/29/16


6 SAUNDRA BROWN ARMSTRONG
7 Senior United States District Judge
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