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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

Boyce Gene Price and Shawn Murphy,  
Plaintiff(s),  
vs.  
Wyndham Vacation Ownership, Inc. and Does  
One through Twenty,  
Defendant(s).

Case No.: C- 13-cv-5092-YGR  
**TENTATIVE CASE MANAGEMENT AND  
PRETRIAL ORDER**

**TO ALL PARTIES AND COUNSEL OF RECORD:**

The Court has read and reviewed the docket in this matter in advance of the Case Management Conference scheduled for March 10, 2014 and will set the following trial and pretrial dates. The amount of time the parties jointly suggest is significantly more than warranted and conflicts with a significant criminal trial scheduled for the fall of 2015.

The parties are advised that in cases assigned to a district judge, the parties may consent at any time to reassignment of the case to a magistrate judge of their joint selection for all purposes, including entry of final judgment. *See* Civil L.R. 73-1(b). This option is being made available because the magistrate judges in this district have smaller civil dockets and no felony criminal cases and may be able to adjudicate this case with more flexibility than the undersigned district judge.

The parties are hereby **DIRECTED** to advise the Court, no later than **10:00 a.m. on Monday, March 10, 2014**, whether they (i) submit to the tentative trial and pretrial order in which case no appearance will be necessary and the order will issue automatically; (ii) consent to have a magistrate judge of their choice conduct all further proceedings in the instant action in which case no appearance will be necessary and the reassignment order will issue automatically; or (iii) will personally appear for the case management conference. Should the parties choose to consent to a magistrate judge, forms are available at <http://www.cand.uscourts.gov>, in the "Forms" section.

United States District Court  
Northern District of California

**TENTATIVE PRETRIAL SCHEDULE**

3	CASE MANAGEMENT CONFERENCE:	Monday, August 11, 2014 at 2:00 p.m.
4	REFERRED TO PRIVATE MEDIATION TO BE COMPLETED BY:	July 31, 2014
6	LAST DAY TO JOIN PARTIES OR AMEND PLEADINGS:	Must obtain leave
7	NON-EXPERT DISCOVERY CUTOFF:	September 15, 2014
8	DISCLOSURE OF EXPERTS (RETAINED/NON-RETAINED):	Opening: August 1, 2014 Rebuttal: August 15, 2014
10	EXPERT DISCOVERY CUTOFF:	September 15, 2014
11	DISPOSITIVE MOTIONS <sup>1</sup> TO BE HEARD BY:	November 18, 2014
12	COMPLIANCE HEARING ( <i>SEE PAGE 2</i> )	Friday, December 19, 2014 at 9:01 a.m.
14	JOINT PRETRIAL CONFERENCE STATEMENT:	Friday, January 9, 2015
15	PRETRIAL CONFERENCE:	Tuesday, January 20, 2015 at 9:00 a.m.
16	TRIAL DATE AND LENGTH:	Monday, February 2, 2015 at 8:30 a.m. for 5 days (Jury Trial)

Pursuant to the Court’s Pretrial Instructions in Civil Cases at Section 2, trial counsel shall meet and confer in advance of the Pretrial Conference. The compliance hearing on Friday, December 19, 2014 at 9:01 a.m. is intended to confirm that counsel understand the obligations required under the Pretrial Order and are in the process of timely meeting and conferring as required by the Pretrial Instructions. The compliance hearing shall be held in the Federal Courthouse, 1301 Clay Street, Oakland, California, in Courtroom 1. Five (5) business days prior to the date of the compliance hearing, the parties shall file a one-page JOINT STATEMENT confirming they have complied with this requirement or explaining their failure to comply. If compliance is complete, the parties need not appear and the compliance hearing will be taken off calendar. Telephonic appearances will be allowed if the parties have submitted a joint statement in a timely fashion. Failure to do so may result in sanctions.

<sup>1</sup> See Standing Order regarding Pre-filing Conference Requirements for motions for summary judgment.

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As set forth above, the parties are REFERRED to private mediation. The parties shall provide the Court with the name of an agreed-upon mediator by April 4, 2014 by filing a JOINT Notice. A compliance hearing regarding shall be held on Friday, April 11, 2014 on the Court's 9:01a.m. calendar, in the Federal Courthouse, 1301 Clay Street, Oakland, California, in Courtroom 1. By April 4, 2014, the parties shall file either the JOINT Notice or a one-page JOINT STATEMENT setting forth an explanation for their failure to comply. If compliance is complete, the parties need not appear and the compliance hearing will be taken off calendar. Telephonic appearances will be allowed if the parties have submitted a joint statement in a timely fashion.

The parties must comply with both the Court's Standing Order in Civil Cases and Standing Order for Pretrial Instructions in Civil Cases for additional deadlines and procedures. All Standing Orders are available on the Court's website at <http://www.cand.uscourts.gov/ygrorders>.

**IT IS SO ORDERED.**

Dated: March 4, 2014

  
**YVONNE GONZALEZ ROGERS**  
**UNITED STATES DISTRICT COURT JUDGE**