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2 UNITED STATES DISTRICT COURT
3 NORTHERN DISTRICT OF CALIFORNIA
4

5 THOMAS A. SMITH, et al.,
6

7 Plaintiff(s),

No. C 14-0651 PJH

8 v.

**ORDER SETTING CASE
MANAGEMENT CONFERENCE**

9 ZIMMER U.S., INC., et al.,

[Reassigned Case]

10 Defendant(s).
_____ /

11 TO ALL PARTIES AND COUNSEL OF RECORD:

12 The above matter having been reassigned to the Honorable Phyllis J. Hamilton. It is
13 hereby ordered, pursuant to Fed. R. Civ. P. 16(b) and Civil L. R. 16-10, that a Case
14 Management Conference shall be held in this case on **May 15, 2014**, at 2:00 p.m., in
15 Courtroom 3, 3rd Floor, Federal Building, 1301 Clay Street, Oakland, California.

16 **Lead counsel** shall meet and confer as required by Fed. R. Civ. P. 26(f) prior to the
17 Case Management Conference with respect to those subjects set forth in Fed. R. Civ. P.
18 16(c). **Not less than seven (7) days** before the conference, counsel shall file a joint case
19 management statement addressing each of the items listed in the "Standing Order For All
20 Judges of the Northern District -- Contents of Joint Case Management statement," which is
21 attached to this order and can also be found on the court's website. A proposed order is
22 not necessary. Following the conference, the court will enter its own Case Management
23 and Pretrial Order. If any party is proceeding without counsel, separate statements may be
24 filed by each party.

25 Each party shall appear personally or by **lead counsel** prepared to address all of the
26 matters referred to in this Order and with authority to enter stipulations and make
27 admissions pursuant to this Order. Any request to reschedule the date of the conference
28 shall be made in writing, and by stipulation if possible, at least ten (10) days before the
date of the conference and must be based upon good cause.

- 1 9. Class Actions: If a class action, a proposal for how and when the class will be
2 certified.
- 3 10. Related Cases: Any related cases or proceedings pending before another judge of
4 this court, or before another court or administrative body.
- 5 11. Relief: All relief sought through complaint or counterclaim, including the amount of
6 any damages sought and a description of the bases on which damages are
7 calculated. In addition, any party from whom damages are sought must describe the
8 bases on which it contends damages should be calculated if liability is established.
- 9 12. Settlement and ADR: Prospects for settlement, ADR efforts to date, and a specific
10 ADR plan for the case, including compliance with ADR L.R. 3-5 and a description of
11 key discovery or motions necessary to position the parties to negotiate a resolution.
- 12 13. Consent to Magistrate Judge For All Purposes: Whether **all** parties will consent to
13 have a magistrate judge conduct all further proceedings including trial and entry of
14 judgment. ___ Yes ___ No
- 15 14. Other References: Whether the case is suitable for reference to binding arbitration, a
16 special master, or the Judicial Panel on Multidistrict Litigation.
- 17 15. Narrowing of Issues: Issues that can be narrowed by agreement or by motion,
18 suggestions to expedite the presentation of evidence at trial (e.g., through
19 summaries or stipulated facts), and any request to bifurcate issues, claims, or
20 defenses.
- 21 16. Expedited Trial Procedure: Whether this is the type of case that can be handled
22 under the Expedited Trial Procedure of General Order No. 64 Attachment A. If all
23 parties agree, they shall instead of this Statement, file an executed Agreement for
24 Expedited Trial and a Joint Expedited Case Management Statement, in accordance
25 with General Order No. 64 Attachments B and D.
- 26 17. Scheduling: Proposed dates for designation of experts, discovery cutoff, hearing of
27 dispositive motions, pretrial conference and trial.
- 28 18. Trial: Whether the case will be tried to a jury or to the court and the expected
length of the trial.
19. Disclosure of Non-party Interested Entities or Persons: Whether each party has
filed the "Certification of Interested Entities or Persons" required by Civil Local Rule
3-16. In addition, each party must restate in the case management statement the
contents of its certification by identifying any persons, firms, partnerships,
corporations (including parent corporations) or other entities known by the party to
have either: (i) a financial interest in the subject matter in controversy or in a party


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to the proceeding; or (ii) any other kind of interest that could be substantially affected by the outcome of the proceeding.

20. Such other matters as may facilitate the just, speedy and inexpensive disposition of this matter.

IT IS SO ORDERED.

Dated: February 25, 2014



PHYLLIS J. HAMILTON
United States District Judge