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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**AMALIA VALENCIA,**

Plaintiff,

v.

**SMX, LLC, ET AL.,**

Defendants.

Case No. 16-cv-02155-YGR

**ORDER GRANTING IN PART AND DENYING  
IN PART STIPULATION TO DISMISS CERTAIN  
CLAIMS AND STAY ACTION PENDING  
MEDIATION**

Re: Dkt. No. 28

On September 19, 2016, the parties filed a joint stipulation dismissing certain claims and requesting that the Court stay the action until February 3, 2016 pending mediation. Additionally, the parties have requested that the Court continue the Case Management Conference currently set for October 3, 2016 to a date after the expiration of the stay. Having carefully considered the parties' request, the Court **ORDERS** as follows: The Court **DISMISSES WITHOUT PREJUDICE** plaintiff's class claims and plaintiff's claims against defendant Amazon.com, Inc. The Court **DENIES WITHOUT PREJUDICE** the parties' request to stay the action until February 3, 2016 and the parties' request to continue the Case Management Conference.

Given the changed nature of this case, the Court hereby sets a trial date in the fall of 2017 as set forth below:

<b>Dispositive Motions<sup>1</sup> to Be Heard By:</b>	<b>August 8, 2017</b>
<b>Compliance Hearing (See Page 2)</b>	<b>Friday, September 22, 2017 at 9:01 a.m</b>
<b>Joint Pretrial Conference Statement:</b>	<b>September 29, 2017</b>
<b>Pretrial Conference:</b>	<b>Friday, October 13 at 9:00 a.m.</b>
<b>Trial Date:</b>	<b>Monday, November 6, 2017 at 8:30 a.m.</b>

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


1 Pursuant to the Court's Pretrial Instructions in Civil Cases at Section 2, trial counsel shall  
2 meet and confer at least twenty-one (21) days in advance of the Pretrial Conference. The  
3 compliance hearing on Friday, September 22, 2017 at 9:01 a.m. is intended to confirm that counsel  
4 have reviewed the Court's Pretrial Setting Instructions and are in compliance therewith. The  
5 compliance hearing shall be held in the Federal Courthouse, 1301 Clay Street, Oakland,  
6 California, in Courtroom 1. Five (5) business days prior to the date of the compliance hearing, the  
7 parties shall file a one-page JOINT STATEMENT confirming they have complied with this  
8 requirement or explaining their failure to comply. If compliance is complete, the parties need not  
9 appear and the compliance hearing will be taken off calendar. Telephonic appearances will be  
10 allowed if the parties have submitted a joint statement in a timely fashion. Failure to do so may  
11 result in sanctions.

12 The above schedule will allow for mediation as requested. The parties' Case Management  
13 Conference currently set for Monday, October 3, 2016 is **CONTINUED to Monday, October 17,**  
14 **2016.** Five days prior thereto, the parties shall file a Joint Case Management Statement, including  
15 any concerns regarding the scheduling. The parties shall also advise the Court as to cutoff dates  
16 for expert and fact discovery, in light of the trial and pretrial dates set by the Court. Alternatively,  
17 the parties may jointly request transfer for all purposes to a specific Magistrate Judge of your  
18 choosing.

19 This Order terminates Docket Number 28.

20 **IT IS SO ORDERED.**

21 Dated: September 26, 2016

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

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