

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PETER SCHUMAN, et al.,
Plaintiffs,
v.
MICROCHIP TECHNOLOGY
INCORPORATED, et al.,
Defendants.

Case No. [16-cv-05544-HSG](#)

**ORDER REOPENING CASE AND
DIRECTING PARTIES TO
DETERMINE AVAILABILITY FOR
BENCH TRIAL**

During the January 24, 2023, telephonic case management conference, the parties indicated that they have not reached a settlement in this case and intend to proceed to trial. The Court therefore **DIRECTS** the Clerk to reopen the case.

In September 2022, the Court held Defendants’ motion for summary judgment, Dkt. No. 163, in abeyance pending resolution of the trial in *Berman v. Microchip Technology Incorporated*, Case No. 17-cv-01864-HSG. The parties did not file opposition or reply briefs, and *Berman* has now settled. During the case management conference, Defendants indicated that they may want to renew this motion notwithstanding the Court’s denial of summary judgment in *Berman*. The Court therefore **DIRECTS** the parties to meet and confer, and if Defendants intend to pursue the motion, the parties shall file a stipulation and proposed order setting deadlines for the opposition and reply briefs, as well as the parties’ proposed hearing date. The Court notes that Defendant is not authorized to file any new or supplemental motions for summary judgment. If any issues raised in the current motion are no longer relevant, the parties need not address those issues.

The Court also intends to move this case forward efficiently to trial, and does not intend to delay the setting of a trial date based on the potential renewal of the motion for summary judgment. Below are the dates that the Court is available for a five-day bench trial. The parties


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are further **DIRECTED** to meet and confer and confirm which proposed date(s) work with their schedules. The Court encourages the parties to do everything reasonably possible to accommodate at least one of these three trial dates, because the Court’s 2023 trial calendar is very full. The parties shall file their stipulations and proposed orders by February 6, 2023.

	Pretrial Conference	5-Day Bench Trial
Option 1	March 7, 2023, 3:00 p.m.	March 20, 2023, 8:30 a.m.
Option 2	April 4, 2023, 3:00 p.m.	April 17, 2023, 8:30 a.m.
Option 3	April 11, 2023, 3:00 p.m.	April 28, 2023, 8:30 a.m.

IT IS SO ORDERED.

Dated: 1/30/2023


HAYWOOD S. GILLIAM, JR.
United States District Judge