

E-Filed 11/24/2009

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

EDWARD L. SCARFF, an individual; NANCY V. SCARFF, an individual; SCARFF, SEARS & ASSOCIATES, a California partnership; and PENTOGA PARTNERS, a California partnership,

Plaintiffs,

v.

WELLS FARGO BANK, N.A.; COMERICA BANK; BANK OF AMERICA CORP.; FIDELITY NATIONAL TITLE CO.; COMPUTING RESOURCES, INC.; INTUIT INC.; KELLY HVEGHOLM, an individual; CAROL BARBER, an individual; JOAN BURTZEL, an individual; LISA CICCOTTI, an individual; and CAROL HUANG, an individual,

Defendants.

Case Number C 03-03394 JF (PVT)
C 03-04829 JF (PVT)
C 03-05871 JF (HRL)

**ORDER RE DEFENDANTS’
REQUEST FOR A RULE 16
PRETRIAL CONFERENCE**

Re: Docket No. 440

Defendants Intuit Inc., Computing Resources, Inc., and Lisa Ciccotti’s (“Defendants”) have requested a Rule 16 Pretrial Conference for the purpose of resolving two concerns prior to trial. First, they contend that “four plaintiffs make competing claims for the same losses, although each dollar of loss can only have been suffered by a single plaintiff.” Defendants’ Request at 2. Second, they object to Plaintiffs’ inclusion in their “calculation of loss the \$11 million that Carol Huang stole from three banks and an insurance company.” *Id.* Plaintiffs oppose the request on procedural grounds and indicate that they will provide a response to

1 Defendants' substantive arguments at the Court's request.

2 The Court notes that the parties have reserved the date of January 8, 2009 for a hearing on
3 a motion or motions for summary judgment. In lieu of a separate pretrial hearing, the Court will
4 hold a case management conference immediately following the motion hearing at which the
5 parties may address any outstanding concerns with respect to the scope of the evidence at trial.

6 **IT IS SO ORDERED.**

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8 DATED: 11/24/09

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12 JEREMY FOGEL
United States District Judge__