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7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 SAN JOSE DIVISION

10 ADVANCED MICROTHERM, INC., et al.,)

Case No.: C 04-2266 JW (PVT)

11 Plaintiffs,

**ORDER SCHEDULING FURTHER
STATUS AND DISCOVERY
CONFERENCE**

12 v.

13 NORMAN WRIGHT MECHANICAL
14 EQUIP. CORP., et al.,

15 Defendants.

16 On December 9, 2008, District Judge Ware referred this matter to this Magistrate Judge to
17 work with the parties to develop a proposed schedule to advance this case to trial. On January 27,
18 2009, the parties appeared before Magistrate Judge Patricia V. Trumbull for a status conference.
19 Based on the briefs submitted, discussions at the conference, and the file herein,

20 IT IS HEREBY ORDERED that the parties shall appear for a further status and discovery
21 conference at 10:00 a.m. on February 24, 2009. The court has already broadened the currently
22 allowed scope of discovery somewhat, as indicated in its Order After Discovery Conference, filed
23 concurrently herewith. Defendant Norman Wright Mechanical Equipment Corporation ("Norman
24 Wright") indicated in its "Discovery Brief and Proposed Trial Plan" that it wishes to add projects of
25 *its* choice to include in the first trial, for which Plaintiff would be entitled to take discovery. This
26 leads the court to inquire of the parties whether it still makes sense to conduct separate trials. While
27 that approach was sensible earlier in this case, it appears to be becoming an obstacle to efficient
28 discovery and trial preparation by the parties remaining in this case.

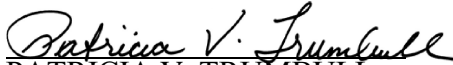
1 IT IS FURTHER ORDERED that, no later than February 17, 2009, the parties shall each file
2 a brief responding to the court's inquiry of whether it still makes sense to conduct separate trials, or
3 whether it would be more efficient at this time to complete all discovery and try the entire case. The
4 ultimate determination will be up to District Judge Ware, but this court wishes to obtain the parties'
5 current input on that question in order to make informed and sound recommendations to District
6 Judge Ware regarding a plan for advancing this case to trial.

7 IT IS FURTHER ORDERED that, no later than February 17, 2009, the parties shall also file
8 either joint or respective proposed pretrial schedule and discovery plan. This case is almost seven
9 years old, and the court is not inclined to recommend a schedule that extends into 2010. Based on
10 the briefs filed by the parties and Judge Ware's scheduling practices in other cases, the court is
11 tentatively considering the schedule set forth in the table following this paragraph. The parties are
12 encouraged to meet and confer to try to reach agreement on either this schedule or one with roughly
13 the same time segments that results in a Preliminary Pretrial Conference and Trial Setting date in
14 November or December of this year. The parties shall also set forth their proposals for how many
15 additional interrogatories and depositions should be permitted going forward.

16 **TENTATIVE PROPOSED CASE SCHEDULE**

17 Expert Disclosures 18 <i>(63 days before close of discovery)</i>	June 22, 2009
19 Rebuttal Expert Disclosures 20 <i>(49 days before close of discovery)</i>	July 6, 2009
21 Close of All Discovery	August 24, 2009
22 Last Day for Hearing Dispositive Motions 23 <i>(42 days before Preliminary Pretrial Conference)</i>	September 28, 2009
24 Preliminary Pretrial Conference Statements Due 25 <i>(10 days before Preliminary Pretrial Conference)</i>	November 6, 2009
26 Preliminary Pretrial Conference and Trial Setting	November 16, 2009

27 Dated: 2/6/09

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PATRICIA V. TRUMBULL
United States Magistrate Judge