

United States District Court  
For the Northern District of California

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**\*ORDER E-FILED 2/7/2008\***

NOT FOR CITATION  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

PIOTR J. GARDIAS,

No. C04-04086 HRL

Plaintiff,

Consolidated With: C04-04768 HRL  
C05-01242 HRL  
C05-01833 HRL  
C06-04695 HRL

v.

SAN JOSE STATE UNIVERSITY,

**ORDER FOLLOWING STATUS  
CONFERENCE**

Defendant.

**[Docket Nos. 311, 312, 317]**

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On February 5, 2008, the parties appeared for a further status conference. Based on the discussion at that conference, the court orders as follows:

1. For reasons stated in an order being filed concurrently with this one, plaintiff's motion to consolidate Case No. C07-06242HRL with the instant action is denied.
2. Plaintiff's motion for leave to file a motion to compel discovery (Docket #311) is denied. This request (and the discovery which it concerns) are untimely, and plaintiff has not shown good cause to excuse his tardiness.
3. Plaintiff's request for an order compelling defendant to pay for his copy of the transcripts of his January 14-16, 2008 deposition (Docket #317) is denied. The deadline for plaintiff to review and correct his January 2008 deposition transcript is **March 11, 2008**.

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4. Briefing and Hearing Schedule for Defendant’s Summary Judgment Motion

Plaintiff previously requested an extension (to December 15, 2007) to prepare his opposition to defendant’s summary judgment motion. That request (Docket #312) is denied as moot. The previously noticed hearing date was vacated (and briefing was suspended) in order to allow time for defendant to complete plaintiff’s deposition; and, defendant now advises that it intends to re-notice and supplement its original motion. As discussed at the February 5, 2008 status conference, defendant’s original motion (which was filed on September 25, 2007), will be terminated. The hearing and briefing on defendant’s new motion for summary judgment

shall proceed as follows:

- Deadline for defendant to file its motion for summary judgment: **March 11, 2008**
  - Deadline for plaintiff to file his opposition to defendant’s motion for summary judgment: **April 15, 2008**
- Plaintiff is reminded that he shall **not** file his opposition papers in piecemeal fashion. Instead, he must file and serve **all** of his opposition papers (including any witness declarations, his own declaration, and any other documents he chooses to submit in support of his opposition) **at one time by the April 15, 2008 deadline.**
- Deadline for defendant’s reply: **April 29, 2008**
  - Hearing on defendant’s summary judgment motion: **May 13, 2008 10:00 a.m.**

Although the court has previously informed plaintiff as to summary judgment proceedings (*see* Docket #307), he is again reminded: Defendant will file a motion for summary judgment by which it will seek to have your case dismissed. A motion for summary judgment under Rule 56 of the Federal Rules of Civil Procedure will, if granted, end your case. Rule 56 tells you what you must do in order to oppose a motion for summary judgment. Generally, summary judgment must be granted when there is no genuine issue of material fact – that is, if there is no real dispute about any fact that would affect the result of your case, the party who asked for summary judgment is entitled to judgment as a matter of law, which will end your case. When a party you are suing makes a motion for summary judgment that is properly supported by declarations (or other sworn testimony), you cannot simply rely on what

1 your complaint says. Instead, you must set out specific facts in declarations, depositions,  
2 answers to interrogatories, or authenticated documents, as provided in Rule 56(e), that  
3 contradict the facts shown in the defendant's declarations and documents and show that there is  
4 a genuine issue of material fact for trial. If you do not submit your own evidence in opposition,  
5 summary judgment, if appropriate may be entered against you. If summary judgment is  
6 granted, your case will be dismissed and there will be no trial. *See Rand v. Rowland*, 154 F.3d  
7 952 (9th Cir. 1998).

8 5. Final Pretrial Conference and Trial Dates

9 Assuming that this action proceeds beyond the summary judgment phase, the final  
10 pretrial conference and trial are re-set as follows:

- 11 • Final Pretrial Conference: **July 22, 2008, 1:30 p.m.**
- 12 • Bench Trial (estimated 5 days): **July 28, 2008**

13 The parties are reminded that the undersigned's standing orders require certain papers to be filed  
14 *before* the final pretrial conference. Copies of all of this court's standing orders are available  
15 from the clerk of the court, or on the court's website ([www.cand.uscourts.gov](http://www.cand.uscourts.gov)).

16 IT IS SO ORDERED.

17 Dated: February 7, 2008

  
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19 HOWARD R. LOYD  
20 UNITED STATES MAGISTRATE JUDGE  
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1 **A copy of this document will be mailed to:**

2 Piotr J. Gardias  
3 72 Floyd Street  
4 San Jose, CA 95110

5  
6 Plaintiff (Pro Se)

7 **Notice has been electronically mailed to:**

8 Mary Susan Cain-Simon Mary.CainSimon@doj.ca.gov, David.Moss@doj.ca.gov

9 Fiel D. Tigno fiel.tigno@doj.ca.gov  
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