

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

REZA NAGAH,
Plaintiff,
v.
CALIFORNIA EMPLOYMENT
DEVELOPMENT DEPARTMENT, et al.,
Defendants.

Case No. [5:07-cv-06268-EJD](#)
**ORDER AFTER PRETRIAL
CONFERENCE**

On December 3, 2015, the parties to the above-entitled action appeared before Judge Edward J. Davila for a Pretrial Conference. Based on a review of the action and the discussions held at the conference, the court orders as follows:

1. Pursuant to the Ninth Circuit’s opinion filed July 11, 2014, this action was remanded to this court “so that [Plaintiff] might be provided with two possible forms of relief to which he may be eligible: the appropriate measure of Additional Trade Readjustment Allowance monetary benefits to which he is entitled by statute, and a written notification regarding his application for Remedial Education benefits.”

2. As to the first possible form of relief to which Plaintiff “may be eligible,” the court determined that that the parties must submit their respective proposals of “the appropriate measure of Additional Trade Readjustment Allowance monetary benefits to which [Plaintiff] is entitled by statute.” Accordingly, on or before **5:00 p.m. on January 22, 2016**, each party shall serve and file a supplemental brief which: (1) explains and calculates their position as to “the appropriate measure,” (2) cites all legal authority which supports the calculation, and (3) explains what order this court should issue to finally resolve this action, keeping in mind both the claims asserted in

1 the Complaint, this action’s procedural history, and the specific instruction provided by the Ninth
2 Circuit on remand. Thereafter, on or before **5:00 p.m. on February 12, 2016**, each party shall
3 serve and file a response to the other party’s supplemental brief.

4 3. Upon receiving and reviewing the supplemental briefing described above, the court
5 will determine whether an additional hearing is necessary to carry out the Ninth Circuit’s
6 instructions on remand and, if so, what form that hearing should take. As such, the court trial
7 scheduled for December 15, 2015, is VACATED.

8 4. As to the second form of relief to which Plaintiff “may be eligible,” counsel for
9 Defendants stated at the conference that “a written notification regarding [Plaintiff’s] application
10 for Remedial Education benefits” would issue on or before **5:00 p.m. on December 18, 2015**.
11 The court orders that such notice issue by that date and time in accordance with counsel’s
12 statement.

13 5. The court schedules this action for a Status Conference at **10:00 a.m. on February**
14 **25, 2016**.

16 **IT IS SO ORDERED.**

17 Dated: December 3, 2015

18 
19 EDWARD J. DAVILA
20 United States District Judge

21
22
23
24
25
26
27
28