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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 SETTING CASE
MANAGEMENT CONFERENCE**

On July 11, 2014, the Ninth Circuit reversed an order granting summary judgment to Defendants and remanded the above-entitled action “so that [Plaintiff Reza Nagahi] 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.” Case No. 11-17320, Dkt. No. 255. The mandate issued on October 15, 2014. Dkt. No. 260.

Since that time, this court has sought to progress this case to resolution in accordance with the Ninth Circuit’s instruction. Indeed, after the parties appeared for a pretrial conference, a written notification regarding Nagahi’s application for Remedial Education benefits was provided to him on December 7, 2015. Dkt. No. 293. However, significant disputes remain as to the “appropriate measure” of Additional Trade Readjustment Allowance (“TRA”) benefits due to Nagahi. The substantive and procedural arguments raised in both parties’ supplemental briefing extend well beyond the administrative record and afford little guidance as to how the parties might resolve the case in a district court.

The court once again addressed these issues with the parties at a Status Conference on April 21, 2016. Based on the discussions held at the conference, and considering the case’s long and complex history, the court determined it would be in the parties’ best interest to attempt a

1 resolution through a defined settlement process. Accordingly, the parties were ordered to attend a
2 settlement conference with a magistrate judge on June 3, 2016. Dkt. No. 311. The matter did not
3 resolve. Dkt. No. 315.

4 Consequently, the court must now determine how this litigation should proceed.
5 Following the Ninth Circuit’s remand, the discussions have focused primarily on the calculation of
6 benefits issue. However, the court observes that this action actually asserts constitutional and civil
7 rights claims, including violations of the First Amendment, Fifth Amendment, Fourteenth
8 Amendment, and 42 U.S.C. §§ 1983, 1985(3), 1986, and 2000(d) et seq., and it is these claims that
9 establish federal jurisdiction. In addition, the court notes that other than identifying the “two
10 possible forms of relief” for which Nagahi “may be eligible” upon remand, the Ninth Circuit
11 reversed the summary judgment order without further instruction or qualification. Accordingly, it
12 now appears that all claims initially contained in the Complaint are again before the court.

13 Based on this history, and given the present circumstances, the court orders as follows:

14 1. The court schedules a Further Case Management Conference for **11:00 a.m. on**
15 **August 4, 2016** in Courtroom No. 1, 5th Floor, of the San Jose Federal Courthouse, located at 280
16 South 1st Street, San Jose, CA 95113.

17 2. The parties shall each file a Case Management Conference Statement as permitted
18 by Civil Local Rule 16-9 on or before **July 21, 2016**.

19 Each party’s statement shall include, in addition to the content required by the Standing
20 Order for All Judges of the Northern District of California and Civil Local Rule, a proposal
21 describing how this case should proceed. Specifically, the parties should discuss whether it is now
22 appropriate to engage in a renewed round of summary judgment to address the outstanding claims.

23 **IT IS SO ORDERED.**

24 Dated: June 14, 2016

25 
26 EDWARD J. DAVILA
27 United States District Judge