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United States District Court
For the Northern District of California

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

Laila Batts,

 Plaintiffs,
v.
County of Santa Clara, et al.,

 Defendants.

NO. C 08-00286 JW

**ORDER GRANTING DEFENDANTS’
REQUEST TO MODIFY THE
PRELIMINARY PRETRIAL
CONFERENCE SCHEDULING ORDER**

Presently before the Court is Defendants’ Request to Modify the Preliminary Pretrial Conference Scheduling Order. (See Docket Item No. 412.) In their Request, Defendants contend that their designated OB/GYN expert will be unavailable until mid-November and request that the trial dates be reset to begin on December 5, 2011. (Id.) Plaintiff does not oppose the Request to reset the trial dates to December 5. (See Docket Item No. 414.)

Upon review, the Court finds good cause to GRANT Defendants’ Request to Modify the trial schedule. However, in light of its own availability, the Court cannot accommodate Defendants’ proposed December 5, 2011 start date. Accordingly, the Court Orders as follows:

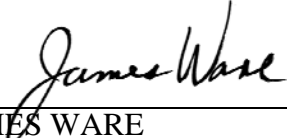
Final Pretrial Conference at 11 a.m. (¶4) (≈14 days before Jury Selection)	November 21, 2011 at 11 a.m.
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<p>Joint Pretrial Conference Statement, <i>In Limine</i> Motions, and Proposed Jury Instructions Due (<i>≈30 days before Final Pretrial Conference</i>)</p> <p>Once the in limine binders are lodged with the Court (¶3(b)), the Court will determine whether a hearing is necessary for the motions in advance of the Final Pretrial Conference and set the hearing accordingly.</p>	<p>October 24, 2011</p>
<p>Jury Selection</p>	<p>December 6, 2011 at 9 a.m.</p>
<p>Jury Trial Date and Sessions¹ Sessions 1-4 Sessions 5-8</p> <p>Argue & Submit</p> <p>Jury Deliberations</p>	<p>December 6-9, 2011, 1 p.m. - 4 p.m. December 13-16, 2011, 1 p.m. - 4 p.m.</p> <p>December 20, 2011 at 1 p.m.</p> <p>December 20-23, 2011, as needed</p>

In light of the new trial schedule and the Court’s desire to manage pending motions on its docket, the Clerk of Court shall terminate all pending Motion in Limines as withdrawn. The parties shall refile these Motions at the appropriate time in preparation for the new Final Pretrial Conference.

Dated: April 4, 2011



 JAMES WARE
 United States District Chief Judge

¹ Jury trials are held in afternoon sessions from 1:00pm to 4:00pm, Tuesdays through Fridays unless the Court otherwise specifies. At the Final Pretrial Conference, the Court reserves the right to fold the afternoon sessions into morning sessions (9:00 a.m. - 12:00 p.m.) thus creating full days for trial. The final trial schedule will be confirmed at the Final Pretrial Conference.

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Aryn Paige Harris aryn.harris@cco.sccgov.org
3 Barry Clement Marsh bmarsh@hinshaw-law.com
4 Blaise S. Curet bcuret@spcclaw.com
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7 Scott R Kanter skanter@hinshaw-law.com
8 Stephen Ryan Wong swong@spcclaw.com

9
10 **Dated: April 4, 2011**

Richard W. Wieking, Clerk

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By: /s/ JW Chambers
Elizabeth Garcia
Courtroom Deputy