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

9 Rosario Marinello,

NO. C 08-00664 JW

10 Plaintiff,

**ORDER CONTINUING PRELIMINARY
PRETRIAL CONFERENCE**

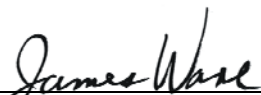
11 v.

12 California Department of Corrections &
Rehabilitation,

13 Defendant.
14 _____/

15 This case was scheduled for a Preliminary Pretrial Conference on June 1, 2009. Pursuant to
16 the Court's November 20, 2008 Scheduling Order, the parties were ordered to submit a Joint
17 Preliminary Pretrial Statement on or before May 22, 2009. (See Docket Item No. 58.) However, the
18 parties have failed to do so. Accordingly, the Court continues the Preliminary Pretrial Conference to
19 **June 15, 2009 at 11 a.m.** The parties shall file a Joint Preliminary Pretrial Statement on or before
20 **June 5, 2009.** The Statement shall update the Court regarding, among other things, the parties'
21 settlement efforts and proposed trial schedule. Failure to timely file the Statement may result in
22 appropriate sanctions.

23
24 Dated: May 28, 2009



JAMES WARE
United States District Judge

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

2 David Pai David.Pai@doj.ca.gov

3 Rosario Marinello
266 Reservation Rd. #f-232
4 Marina, CA 93933

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6 **Dated: May 28, 2009**

Richard W. Wieking, Clerk

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By: /s/ JW Chambers
Elizabeth Garcia
Courtroom Deputy

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