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

Rosario Marinello,

NO. C 08-00664 JW

Plaintiff,

**ORDER FOLLOWING PRELIMINARY  
PRETRIAL CONFERENCE**

v.

California Department of Corrections &  
Rehabilitation,

Defendant.

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On June 15, 2009, the Court conducted a Preliminary Pretrial Conference. Counsel for Defendant was present. Plaintiff appeared in *pro se*. In light of the discussion at the conference, the Court finds that the case is not ready for a trial schedule at this time. Accordingly, the Court **ORDERS** as follows:

- (1) The last date for hearing dispositive motions is **October 26, 2009 at 9 a.m.**<sup>1</sup> The parties shall file their motions in accordance with the Civil Local Rules of Court.
- (2) The parties shall appear for a subsequent Case Management Conference on **October 26, 2009 at 10 a.m.** The parties shall file a Joint Case Management Statement on or


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<sup>1</sup> At the conference, counsel for Defendant represented to the Court that its Scheduling Order states that the last date for *filing* dispositive motions was set for September 14, 2009. However, upon review of the Court's Scheduling Order issued on November 20, 2008, the language is unequivocal that September 14, 2009 is set as the last date for *hearing* dispositive motions. (See Docket Item No. 58.) However, in light of the fact that the Court's September 14, 2009 calendar is filled, the Court will extend the hearing date to October 26, 2009.

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before **October 16, 2009**. The parties' Statement shall address, among other things,  
the parties' settlement efforts and plan for proceeding with the remainder of this case.

Dated: June 16, 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  
4 Rosario Marinello  
5 266 Reservation Rd. #f-232  
6 Marina, CA 93933

7 **Dated: June 16, 2009**

**Richard W. Wieking, Clerk**

8 By:           /s/ JW Chambers            
9 **Elizabeth Garcia**  
10 **Courtroom Deputy**

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