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28**\*E-Filed 12/28/2009\***

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

MARIO BARRERAS VALENZUELA, on  
behalf of all similarly situated others,

No. C 09-01698 RS

Plaintiff,

**CASE MANAGEMENT  
SCHEDULING ORDER**

v.

MC2 POOL & SPA; MICHAEL & BRIAN  
MCFALL PTRS; GUILLERMO B.  
MCFALL; BRIAN MCFALL; and DOES 1-  
10,

Defendants.

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Pursuant to Rule 16(b) of the Federal Rules of Civil Procedure, a Case Management Conference was scheduled for December 30, 2009. After considering the Joint Case Management Statement submitted by the parties, good cause appears to adopt the parties' proposed schedule with such minor adjustments as are necessary to conform to the Court's calendar practices. Accordingly, the Case Management Conference is vacated and, IT IS HEREBY ORDERED THAT:

1           1.       ALTERNATIVE DISPUTE RESOLUTION.  
2           MEDIATION. This matter is referred to mediation to be completed by **May 15, 2010**, if  
3 possible. The parties shall promptly notify the Court whether the case is resolved at the mediation.

4           2.       DISCOVERY.  
5           On or before **December 15, 2010**, all non-expert discovery shall be completed by the parties.  
6 Any discovery requests pursuant to Federal Rules of Civil Procedure 33-36 and 45 shall be served  
7 far enough in advance so that responses to written discovery shall be due, as provided in said rules,  
8 no later than the discovery completion date. All depositions shall be concluded by the discovery  
9 completion date.

10           Discovery shall be limited as follows: (a) ten (10) non-expert depositions per party; (b)  
11 twenty-five (25) interrogatories per party, including all discrete subparts; (c) a reasonable number of  
12 requests for production of documents or for inspection per party; and (d) a reasonable number of  
13 requests for admission per party.

14           3.       EXPERT WITNESSES. The disclosure and discovery of expert witness opinions  
15 shall proceed as follows:

16           A. On or before **January 14, 2011**, the parties shall disclose expert testimony and reports in  
17 accordance with Federal Rule of Civil Procedure 26(a)(2).

18           B. On or before **March 15, 2011**, all discovery of expert witnesses pursuant to Federal Rule  
19 of Civil Procedure 26(b)(4) shall be completed.

20           4.       PRETRIAL MOTIONS. All pretrial motions must be filed and served pursuant to  
21 Civil Local Rule 7. All pretrial motions shall be **heard** no later than **May 18, 2011**.

22           5.       PRETRIAL STATEMENTS. At a time convenient to both, counsel shall meet and  
23 confer to discuss preparation of a joint pretrial statement, and on or before **June 22, 2011**, counsel  
24 shall file a Joint Pretrial Statement in accordance with the attached Standing Order for Final Pretrial  
25 Conference.

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6. PRETRIAL CONFERENCE. The final pretrial conference will be held on **July 6, 2011, at 2:30 p.m.** Each party or lead counsel who will try the case shall attend personally. Counsel shall comply with the attached Standing Order for Final Pretrial Conference.

7. TRIAL DATE. Jury trial shall commence on **July 18, 2011, at 9:00 a.m.**

IT IS SO ORDERED.

DATED: December 28, 2009

  
RICHARD SEEBORG  
United States Magistrate Judge