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**** E-filed April 13, 2010 ****

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

TEH MING CHEN,

No. C09-03969 HRL

Plaintiff,

v.

ATEN NEW JERSEY, INC., et al.,

Defendants.

**ORDER (1) DISMISSING UNSERVED
DEFENDANT, (2) REFERRING
PARTIES TO MEDIATION, AND (3)
SETTING CASE MANAGEMENT
SCHEDULING DATES**

The order that follows is based on the discussion at the April 13, 2010 Case Management Conference and the previously filed Joint Case Management Statement.

A. Unserved Defendant Longdi Lin

Plaintiff filed suit in August 2009 against ATEN New Jersey, Inc.; ATEN International Co. Ltd.; and individual defendant Longdi Lin. Plaintiff now informs the court that he still has not served defendant Lin and does not know when or how he might serve Lin. As plaintiff has missed the deadline for serving Lin by more than one hundred days, the court DISMISSES defendant Longdi Lin from this case without prejudice pursuant to Federal Rule of Civil Procedure 4(m).

B. Referral to Mediation

The parties have agreed to court-appointed mediation for purposes of Alternative Dispute Resolution. The deadline for the parties' mediation session is ninety (90) days from this order.

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United States District Court
For the Northern District of California

1 **C. Case Management Schedule**

2 The court adopts the parties' statement of disputed factual and legal issues as set forth in the
3 Joint Case Management Statement. The presumptive limits on discovery set forth in the Federal
4 Rules of Civil Procedure shall apply.

5 The parties indicate that they have not yet completed their initial disclosures. The parties
6 shall complete their initial disclosures by May 4, 2010.

7 If the case does not settle through the ADR process, the parties shall contact the chambers of
8 Magistrate Judge Trumbull well in advance of the Pretrial Conference to arrange a Settlement
9 Conference to take place just prior to the Pretrial Conference.

10 The following schedule shall apply to this case:

11 Fact Discovery Cutoff	September 14, 2010
12 Designation of Experts with Reports	September 28, 2010
13 Designation of Rebuttal Experts with Reports	October 12, 2010
14 Expert Discovery Cutoff	October 26, 2010
15 Last Day for Hearings on Dispositive Motions	December 14, 2010 at 10:00 a.m.
16 Final Pretrial Conference	February 1, 2011 at 1:30 p.m.
17 Jury Trial	February 8, 2011

18 Any motions to compel fact discovery must be filed no later than seven days after the Fact
19 Discovery Cutoff, and any motions to compel expert discovery must be filed no later than seven
20 days after the Expert Discovery Cutoff. *See* N.D. Cal. Civ. R. 26-2.

21 Furthermore, the parties shall comply with the court's "Standing Order re: Pretrial
22 Preparation" with respect to the timing and content of the Joint Pretrial Statement and other pretrial
23 submissions.¹

24 **IT IS SO ORDERED.**

25
26 Dated: April 13, 2010

27 
28 _____
HOWARD R. I. LOYD
UNITED STATES MAGISTRATE JUDGE

¹ Parties may obtain copies of all of Judge Lloyd's standing orders from the clerk of the court, or from Judge Lloyd's page on the court's website (www.cand.uscourts.gov).

1 **C 09-03969 Notice will be electronically mailed to:**

2 Bruce Doelker May bmay@sycr.com
3 Ismael D. Perez easy@perezlawoffice.com

4 **Counsel are responsible for distributing copies of this document to co-counsel who have not**
5 **registered for e-filing under the court's CM/ECF program.**

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