

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION


ROSALIND LOPEZ,)	Case No.: 11-CV-01632-LHK
)	
Plaintiff,)	ORDER DENYING STIPULATED
)	REQUEST FOR CONDITIONAL
v.)	DISMISSAL WITH PREJUDICE
)	
WAL-MART STORES, INC., ET AL.,)	(re: dkt # 81)
)	
Defendants.)	

Based on the parties’ repeated representations of settlement and requests for extensions of pretrial deadlines, the Court has continued the pretrial conference in this case from May 2, 2012, to May 10, 2012; extended the deadline for filing oppositions to motions in limine from April 23, 2012, to May 7, 2012; has extended the deadline for filing jury instructions, verdict forms, and proposed voir dire from April 25, 2012, to May 7, 2012. On May 4, 2012, the parties filed a Stipulated Request for Dismissal with Prejudice, Conditional, in which they request that this matter be dismissed with prejudice. The dismissal, however, is conditioned upon the fulfillment of certain settlement conditions, and the parties request that no dismissal occur until 60 days after the filing of the stipulation, during which time “either party may notify the Court in the unlikely event that settlement conditions are not completed and request that the case be restored to the active calendar.” ECF No. 81 at 2.

1 While the Court appreciates the parties' efforts to resolve this matter through settlement, the
2 Court has repeatedly impressed upon the parties that the May 21, 2012 trial date will remain as set
3 unless and until the parties stipulate to a dismissal of the entire case with prejudice. The parties'
4 stipulation of conditional dismissal, which preserves either party's ability to request a new pretrial
5 conference and trial date within the next 60 days, does not satisfy the Court's mandate. The Court
6 has other matters set for trial and is unable to give the parties a different trial date within the next
7 60 days. Accordingly, the parties' request to vacate the current trial date and all pre-trial deadlines
8 is DENIED without prejudice. Oppositions to motions in limine, jury instructions, verdict forms,
9 and proposed voir dire remain due May 7, 2012. Any unopposed motions in limine will be ruled
10 on as such at the pretrial conference, which remains as set for May 10, 2012, at 1:30 p.m. Trial
11 remains as set for May 21, 2012, at 9:00 a.m.

12 **IT IS SO ORDERED.**

14 Dated: May 6, 2012

13 
15 LUCY H. KOH
16 United States District Judge