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

INCORP SERVICES, INC.

CASE NO. 5:11-cv-04660 EJD

Plaintiff(s),

**PRETRIAL ORDER  
(JURY TRIAL)**

v.

INCSMART.BIZ, INC.,

Defendant(s).

The above-entitled action is scheduled for a Preliminary Pretrial Conference on February 8, 2013. Based on the parties' Joint Preliminary Pretrial Conference Statement (see Docket Item No. 81), the court has determined an appearance is unnecessary at this time. Accordingly, the Preliminary Pretrial Conference is VACATED and the parties are ordered to comply with the following schedule.

IT IS HEREBY ORDERED that the parties shall meet and confer in order to reach an agreement on an ADR process alternative to private mediation within 10 days of the issuance of this order. Within that same timeframe, the parties shall either (1) file the form entitled "Stipulation and (Proposed) Order Selecting ADR Process" if an agreement is reached, or (2) file the form entitled "Notice of Need for ADR Phone Conference."

IT IS FURTHER ORDERED that all previously-imposed deadlines shall remain as currently

1 set.<sup>1</sup> Defendant may file an administrative motion for leave to take the late deposition of Douglas  
 2 Ansell upon sufficient proof that Defendant has located Mr. Ansell.

3 IT IS FURTHER ORDERED that the following schedule shall apply to this case:

EVENT	DATE
Final Pretrial Conference	11:00 a.m. on 5/24/13
Joint Final Pretrial Conference Statement, Motions <i>in Limine</i> and Exchange of Exhibits	5/10/13
Voir Dire Questions, Proposed Jury Instructions, and Proposed Jury Verdict Forms	5/14/13
Jury Selection	9:00 a.m. on 6/3/13
Jury Trial <sup>2</sup>	6/4/-6/5/13 (full days); 6/6/13 (1/2 day a.m.); 6/7/13 (1/2 day p.m.); 6/10/13 (1/2 day a.m.)
Jury Deliberations	6/11-6/12/13

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 15 IT IS FURTHER ORDERED that the parties shall comply with the Standing Order re:  
 16 Preliminary and Final Pretrial Conference and Trial Preparation, a copy of which is available from  
 17 the Clerk of the Court,<sup>3</sup> with regard to all pretrial submissions.

18 The court advises the parties that this is the **final case schedule**. All parties are expected to  
 19 comply as directed above. This schedule will not be amended further absent the presentation of

20 \_\_\_\_\_  
 21 <sup>1</sup> The court notes that the parties having included deadlines in their joint statement  
 22 which do not coincide with the current scheduling order. Pursuant to the Stipulation and Order  
 23 Continuing Discovery Deadlines (Docket Item No. 75), the deadlines are, *inter alia*: close of fact  
 Discovery on March 1, 2013, close of Expert Discovery on April 16, 2013, and deadline for filing  
 dispositive motions on April 30, 2013. These are the deadlines which shall remain in effect absent a  
 showing of good cause for modification.

24 <sup>2</sup> Jury trials are held in full day sessions on Tuesdays and Wednesdays, and morning  
 25 sessions on Thursdays (9:00 a.m.–12:00 p.m.), unless the Court otherwise specifies. At the Final  
 26 Pretrial Conference, the Court reserves the right to add morning sessions on Mondays (9:00  
 a.m.–12:00 p.m.), thus creating extra half-days for trial. The final trial schedule will be confirmed at  
 the Final Pretrial Conference.

27 <sup>3</sup> A copy of Judge Davila’s standing order is also available on the court’s website at  
 28 [www.cand.uscourts.gov](http://www.cand.uscourts.gov) by clicking first on the “Judges” button, then on Judge Davila’s name, then  
 on the link for “Judge Davila’s Standing Orders,” and finally on the link for “Standing Order Re  
 Pretrial Preparation.”

1 good cause necessitating such an amendment.


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**IT IS SO ORDERED.**

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Dated: February 6, 2013

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EDWARD J. DAVILA  
United States District Judge

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