

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

JOSE SILVA,	)	
	)	
Plaintiff,	)	Case No.:12-CV-05347-LHK
	)	
v.	)	
	)	CASE MANAGEMENT ORDER
TEKSYSTEMS, INC.,	)	
	)	
Defendant.	)	

Clerk: Martha Parker Brown	Plaintiff Attorney: Robert Nelson
Reporter: Lee-Anne Shortridge	Defendant Attorney: Michael Kun

On December 19, 2013, the Court held a hearing on the parties' summary judgment motions, Defendant's motions to strike, and Defendant's motions for sanctions.

For the reasons stated on the record on December 19, 2013, the Court ruled as follows:

- (1) DENIES Plaintiff Jose Silva's Motion for Summary Judgment or, in the Alternative, for Partial Summary Judgment of Claims in its entirety;
- (2) Finds INADMISSIBLE Silva's spreadsheet record of his hours worked;
- (3) Finds ADMISSIBLE Cisco's TaskTracking records of Silva's hours worked;
- (4) DENIES Defendant TEKsystems, Inc.'s Motion for Summary Judgment or, Alternatively, Partial Summary Judgment as to Silva's overtime claims, Causes of Action One and Two;
- (5) DENIES Defendant TEKsystems, Inc.'s Motion for Partial Summary Judgment as to Silva's prayer for liquidated damages;

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

- (6) DENIES Defendant TEKsystems, Inc.'s Motion for Partial Summary Judgment as to Silva's Cause of Action Three for wage statement violations;
- (7) GRANTS Defendant TEKsystems, Inc.'s Motion for Partial Summary Judgment as to Silva's Cause of Action Four for waiting time penalties;
- (8) GRANTS Defendant TEKsystems, Inc.'s Motion to Strike Silva's Disclosure of Information Shared In Confidential Settlement Communications and Mediation;
- (9) GRANTS Defendant TEKsystems, Inc.'s Motion to Strike Silva's Impermissible Reliance Upon Excluded Tape Recordings in Violation of Court Order;
- (10) DENIES Defendant TEKsystems, Inc.'s Motions for Sanctions.

The case schedule remains as set. The Court will not vacate the pretrial conference and trial dates until the parties file their stipulation of dismissal. A further case management conference will take place on January 15, 2014, at 2:00 p.m.

**IT IS SO ORDERED.**

Dated: December 19, 2013

  
\_\_\_\_\_  
LUCY H. KOH  
United States District Judge