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28***E-FILED: July 23, 2013***

NOT FOR CITATION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

LAWRENCE KEEFAUVER,

No. C12-06080 HRL

Plaintiff,

v.

ORDER (1) DENYING AS MOOT BANK OF AMERICA'S MOTION FOR JUDGMENT ON THE PLEADINGS; (2) GRANTING THE PARTIES' SECOND STIPULATED REQUEST TO EXTEND SCHEDULING DEADLINES

BANK OF AMERICA, NATIONAL ASSOCIATION, an FDIC insured corporation and DOES 1-100, inclusive,

Defendant.

[Re: Docket Nos. 23, 35]

Now before the court is the parties' second stipulated request for an extension of the case schedule. The stated reason for their request is that the court has not yet ruled on Bank of America's motion for judgment on the pleadings. However, in granting the parties first request for an extension of all case management deadlines, this court understood that the primary reason for the requested extension was that (1) plaintiff recently learned that FIA Card Services was the entity that issued the account in question; (2) the parties' intended to file a stipulated request to dismiss Bank of America and to permit plaintiff to amend the complaint to add FIA Card Services; and (3) the parties wanted additional time to conduct discovery, particularly since FIA Card Services would be added to the case. (Dkt. No. 33, Osborne-Revis Decl. ¶ 3). Despite those representations, apparently no efforts have been made to add FIA Card Services, whom the parties indicate is the proper defendant.

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Since the parties evidently agree that Bank of America does not belong in this case, Bank of America’s motion for judgment on the pleadings is denied as moot. The case schedule will be extended as follows:

- Fact Discovery Cutoff September 27, 2013
- Designation of Experts with Reports October 15, 2013
- Designation of Rebuttal Experts with Reports October 28, 2013
- Expert Discovery Cutoff November 25, 2013
- Last Day for Hearing on Dispositive Motions January 28, 2014, 10:00 a.m.
- Final Pretrial Conference April 1, 2014, 1:30 p.m.

To the extent plaintiff seriously intends to pursue claims against FIA Card Services, he shall promptly take steps to have that entity added to the case.

SO ORDERED.

Dated: July 23, 2013



HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

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5:12-cv-06080-HRL Notice has been electronically mailed to:
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