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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FITEQ INC,
Plaintiff,
v.
VENTURE CORPORATION, et al.,
Defendants.

Case No. [13-cv-01946-BLF](#)

**ORDER SETTING SCHEDULE AND
REFERRING DISCOVERY DISPUTES
TO MAGISTRATE JUDGE**

[Re: ECF 255, 256]

The parties in the above-captioned action have been unable to come to agreements on a number of scheduling matters. Having received the parties’ most recent separate status reports regarding scheduling and other issues,¹ the Court has determined that the process of asking the parties to meet and confer in good faith regarding scheduling has failed. The Court hereby sets the following schedule:

- Rebuttal Expert Report Deadline: June 5, 2015
- Last Day to Hear Dispositive Motions: December 17, 2015
- Pre-Trial Conference: April 21, 2016
- Trial: May 9, 2016²

¹ The Court also demands that counsel for both parties review this district’s Guidelines for Professional Conduct, *see* http://www.cand.uscourts.gov/professional_conduct_guidelines, and practice before this Court consistent with their obligations under these guidelines and Civil Local Rule 11-4(a), which demands lawyers admitted to this bar “practice with the honesty, care, and decorum required for the fair *and efficient* administration of justice.” (emphasis added).

² Defendant states it could be ready for trial “beginning May 11, 2016.” Because the Court begins trial on Monday mornings, and because Defendant does not indicate a reason they are unavailable beginning May 9, the Court sets this date to conform with its schedule.


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Plaintiff has already filed its motion for summary judgment, which is scheduled to be heard on April 9, 2015. The Court by this Order sets Defendants' motion for summary judgment, if they choose to file one, for December 17, 2015. If Defendants want an earlier hearing on that motion, they shall reserve an available date with the Court, but they may not reserve any date after December 17, 2015. The parties may stipulate to a briefing schedule for that motion, but Defendants' reply brief must be filed with the Court at least 3 weeks prior to the hearing date. Any other scheduling disputes may be determined by the parties through stipulation. If the parties are unable to resolve a scheduling dispute, they may contact the Court to obtain a date for a Case Management Conference. They are not to file further separate status reports.

All other disputes regarding discovery are hereby referred to Judge Paul Singh Grewal, including the non-scheduling disputes outlined by the parties in their separate status reports regarding the scope of discovery and further depositions. *See* ECF 255, 256. The parties shall comply with Judge Grewal's standing order regarding any and all further discovery disputes.

IT IS SO ORDERED.

Dated: March 31, 2015


BETH LABSON FREEMAN
United States District Judge