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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA
6 SAN JOSE DIVISION

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8 TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA,

9 Plaintiff,

10 v.

11 KAUFMAN & BROAD MONTEREY BAY,
12 INC., et al.,

13 Defendants.

Case No. [5:13-cv-04745-EJD](#)

**FURTHER ORDER RE: TRIAL
SCHEDULE AND RELATED MATTERS**

14 In light of the parties' recent joint statement regarding the status of settlement efforts filed
15 on June 8, 2015 (Docket Item No. 228), the court orders as follows:

16 1. The parties shall appear for a further Final Pretrial Conference at **9:00 a.m. on**
17 **June 10, 2015**. Among other matters, the court will finalize the trial schedule at that time. Jury
18 selection will thereafter begin at 10:00 a.m. immediately following the conference.

19 2. On or before **4:00 p.m. on June 9, 2015**, the parties shall provide an updated joint
20 witness list consistent with this court's previous rulings. For each side, the witness list shall
21 include the name, role or title of the witness, and a brief summary of the witness's proffered
22 testimony.

23 3. On or before **4:00 p.m. on June 9, 2015**, the parties shall also provide a brief joint
24 statement, not exceeding two pages, which lists the causes of action that will be tried, taking into
25 consideration this court's previous rulings.

26 4. On June 5, 2015, Defendants objected to Plaintiff's notice designating specified
27 portions of the deposition of Steve McAllister to be read at trial. See Docket Item No. 227. This

1 court's standing order provides that the parties shall file and serve any excerpts of deposition
2 testimony no later than 14 days before the Final Pretrial Conference. See Standing Order for Civil
3 Cases at § III(D)(7). Given that (1) Plaintiff has been aware since on or about April 7, 2015, that
4 McAllister would not voluntarily appear at trial and made no effort to compel his attendance, (2)
5 Plaintiff's designation is untimely according to this court's standing order, and (3) Plaintiff did not
6 obtain leave of court before filing the untimely designation, Defendants' objection is tentatively
7 SUSTAINED. The court will entertain brief argument on this issue at the further Final Pretrial
8 Conference before issuing a final order.

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IT IS SO ORDERED.

Dated: June 9, 2015


EDWARD J. DAVILA
United States District Judge