

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

CARLOS S. CAMACHO,
Plaintiff,
v.
JEFFERSON CAPITAL SYSTEMS, LLC,
Defendant.

Case No. [14-cv-02728-BLF](#)

**ORDER RE: SUMMARY JUDGMENT,
SCHEDULING, AND CONTINUING
TRIAL DATES**

[Re: ECF 42]

Both parties in the above-captioned action have moved for summary judgment or, in the alternative, summary adjudication of issues. The Court heard oral argument on Defendant’s motion on April 22, 2015, and is scheduled to hear oral argument on Plaintiff’s motion on May 21, 2015.

After Plaintiff filed his motion for summary judgment, the Court granted Plaintiff’s motion for leave to amend his Complaint to assert a new theory of liability regarding his FDCPA and Rosenthal Act claims. *See* ECF 48. In his motion for leave to amend the Complaint, Plaintiff requested that the Court continue dates, including the presently scheduled August 3, 2015 trial date, and re-open discovery in this action, in light of his new theory of liability and because he believed Defendant was likely to assert a bona fide error defense to this theory. On May 14, 2015, Defendant answered the amended complaint and asserted a bona fide error defense. ECF 58.

On May 7, 2015, the parties appeared for case management and the Court retained the schedule as presently set. But in light of the current posture of the case and Plaintiff’s previous request to modify the case schedule, the Court **HEREBY ORDERS AS FOLLOWS:**

1. The current trial date of August 3, 2015, is CONTINUED to March 21, 2016. The parties will appear for a pre-trial conference on February 18, 2016 at 2:30 p.m.


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

2. In light of the assertion of a bona fide error defense in Defendant's Answer, the Court will entertain from Plaintiff a motion to re-open fact discovery. The parties are ORDERED to **meet and confer** regarding re-opening fact discovery no later than May 29, 2015, and if they are unable to reach an agreement, Plaintiff may file a motion to re-open fact discovery **no later than June 12, 2015**.

3. The May 21, 2015 hearing on Plaintiff's motion for summary judgment is VACATED, and the motion is submitted for adjudication without oral argument pursuant to Civil Local Rule 7-1(b).

IT IS SO ORDERED.

Dated: May 15, 2015


BETH LABSON FREEMAN
United States District Judge