

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

VINCENT CASTILLO MARENTES, et al.,
Plaintiffs,
v.
STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,
Defendant.

Case No. 15-CV-05616-LHK

**ORDER REQUIRING PARTIES TO
FILE UPDATED JOINT CASE
MANAGEMENT STATEMENT**

Re: Dkt. No. 30

On June 22, 2016, the parties filed their joint case management statement in advance of the June 29, 2016 case management conference. ECF No. 30. This statement describes the attempts by Plaintiffs' counsel to schedule the depositions of Barbara Wallace ("Wallace"), Craig Jacobs ("Jacobs"), Brad Partington ("Partington"), and Lauren Case ("Case").

Specifically, in an email sent on June 6, 2016, Plaintiffs' counsel proposed deposition dates of July 5, 6, and 7, 2016 for Wallace, Jacobs, Partington, and Case. *Id.* at 5. Defendant did not respond to this email, which prompted Plaintiffs' counsel to send Defendant a follow-up email on June 13, 2016. On June 14, 2016, Defendant replied to Plaintiffs' counsel email by stating that Plaintiffs' proposed dates were not acceptable, but that Defendant would offer alternative dates in a "couple of days." *Id.* Defendant did not, however, offer any such dates. On June 21, 2016,

1 Plaintiffs' counsel proposed new deposition dates, for July 12, 14, and 19, 2016. *Id.* at 6.
2 Defendant again rejected these dates. Furthermore, in lieu of offering any alternative dates,
3 Defendant has requested that the Court continue the August 4, 2016 fact discovery and September
4 15, 2016 expert discovery deadlines. *Id.* at 8.

5 The Court will not continue the August 4, 2016 fact discovery and September 15, 2016
6 expert discovery deadlines. As an initial matter, the Court notes that the parties agreed to these
7 deadlines at the February 24, 2016 initial case management conference, and the parties have at no
8 point in the subsequent four months requested that these deadlines be stayed or continued. ECF
9 No. 18 at 2. The case schedule, as currently set, allows for this action to be resolved in a timely
10 and efficient manner.

11 Second, Defendant asserts that continuing the fact and expert discovery deadlines would
12 not affect the pretrial conference date (January 12, 2017) or the trial schedule (a seven-day jury
13 trial set to begin on January 30, 2017). That assertion is incorrect. Under Defendant's proposal,
14 the last day to file motions for summary judgment would be November 28, 2016. ECF No. 30 at
15 8. Civil Local Rule 7-2 requires that all motions be "filed, served and noticed in writing on the
16 motion calendar of the assigned Judge for hearing not less than 35 days after filing of the motion."
17 Civil L.R. 7-2(a). With this 35-day time period in mind, the earliest possible date that the parties'
18 cross-motions for summary judgment could be heard is January 5, 2017, at 1:30 p.m.

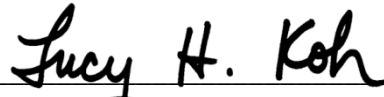
19 Moreover, after the summary judgment hearing and after the Court's ruling on the cross-
20 motions for summary judgment, the parties must—pursuant to the Court's standing order on jury
21 trials—meet and confer 21 days prior to the pretrial conference. After the pretrial conference,
22 both the parties and the Court will need some time to prepare for trial. Under such circumstances,
23 it would not be possible for the Court and the parties to hold a pretrial conference on January 12,
24 2017 and begin a seven-day jury trial on January 30, 2017.

25 Accordingly, the Court ORDERS the parties to file an updated joint case management
26 statement by June 28, 2016, at 10:00 a.m. This statement must specify for each date, from and
27 including June 28, 2016, to and including August 4, 2016, whether counsel for both parties,

Wallace, Jacobs, Partington, and Case are available or unavailable for a deposition and the reasons for their unavailability. Finally, any other discovery disputes must be raised promptly before U.S. Magistrate Judge Howard Lloyd.

IT IS SO ORDERED.

Dated: June 24, 2016



LUCY H. KOH
United States District Judge