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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SHELBY GAIL HEIFETZ,
Plaintiff,
v.
TEXAS TURKEYS, INC., et al.,
Defendants.

Case No. [5:15-cv-05726-EJD](#)

**ORDER VACATING CASE
MANAGEMENT CONFERENCE**

Having reviewed the parties' Joint Case Management Conference Statement (Dkt. No. 81), the court orders as follows:

1. Any challenge to subject matter jurisdiction or to Plaintiff's standing to bring this action, or any argument that the claims asserted in the Complaint are moot, must be raised by noticed motion filed according to Civil Local Rule 7-2. As to subject matter jurisdiction and while not definitively deciding the issue, the court observes that federal claims are evident from the face of the complaint. See Christianson v. Colt Indus. Operating Corp., 486 U.S. 800, 808 (1988). Defendant Texas Turkeys, Inc.'s ("Texas Turkeys") request the court issue an order to show cause on any of these issues is DENIED.

2. Similarly, challenges to any settlement between Plaintiff and other defendants under California Code of Civil Procedure 877.6 must be raised by noticed motion filed according to Civil Local Rule 7-2.

3. The parties are advised and reminded that General Order No. 56 governs this action. Accordingly, and since a joint site inspection is scheduled for July 14, 2016, initial disclosures required by Federal Rule of Civil Procedure 26(a) must be completed no later than 7

1 days prior according to Paragraph 2 of General Order No. 56. Any dispute concerning initial
2 disclosures or any need for relief related to the joint site inspection is REFERRED to the assigned
3 magistrate judge.

4 4. In addition, the parties must within 28 days of the joint site inspection meet in
5 person and confer regarding settlement pursuant to Paragraph 4 of General Order No. 56. If a
6 settlement is not reached within 42 days of the site inspection, they must thereafter file a “Notice
7 of Need for Mediation” according to Paragraph 7 of General Order No. 56.

8 5. In light of the matters that must occur before a case schedule can be ordered, the
9 Case Management Conference scheduled for July 7, 2016, is VACATED. The parties may
10 request a further Case Management Conference according to Paragraph 8 of General Order No. 56
11 if a settlement is not reached after mediation.

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13 **IT IS SO ORDERED.**

14 Dated: July 6, 2016

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16 EDWARD J. DAVILA
17 United States District Judge

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