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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

MARVA LEIGH SMITH,

Plaintiff,

v.

SAN DIEGO STATE UNIVERSITY, a public
entity; BOARD OF TRUSTEES OF THE
CALIFORNIA STATE UNIVERSITY
SYSTEM; SAN DIEGO STATE
UNIVERSITY FOUNDATION, a public entity;
SUE BLAIR, in official capacity; and CESAR
PORTILLO, in official capacity,

Defendants.

Civil No. 04-CV-0013 BEN (CAB)

**CASE MANAGEMENT CONFERENCE
ORDER FOLLOWING FILING OF
FOURTH AMENDED COMPLAINT AND
REGULATING DISCOVERY AND OTHER
PRETRIAL PROCEEDINGS**

On October 30, 2006, Plaintiff filed her Fourth Amended Complaint. The Court held a Case Management Conference on November 8, 2006. After consulting with the attorneys of record for the parties and being advised of the status of the case, and good cause appearing, IT IS HEREBY ORDERED:

1. All discovery, including expert discovery, shall be completed on or before **December 29, 2006**. “Completed” means that all discovery under Rules 30-36 of the Federal Rules of Civil Procedure must be initiated a sufficient period of time in advance of the cut-off date, so *that it may be completed* by the cut-off date, taking into account the times for services, notice, and response as set forth in the Federal Rules of Civil Procedure. All disputes concerning discovery shall be brought to the attention of the Magistrate Judge no later than thirty (30) days following the date upon which the event giving rise to the discovery dispute occurred. Counsel shall meet and confer pursuant to the requirements of Fed. R. Civ.

1 P. 26 and Local Rule 26.1(a).

2 2. The parties' pre-trial motions, excluding motions *in limine*, shall be heard on **February**
3 **5, 2007**, at **10:30 a.m.**

4 3. Briefs or memoranda in support of or in opposition to any pending motion shall not
5 exceed twenty-five (25) pages in length without permission of the judge or magistrate judge who will
6 hear the motion. No reply memorandum shall exceed ten (10) pages without leave of the judge or
7 magistrate judge who will hear the motion.

8 4. Pursuant to Local Rule 7.1(f)(1), when filing a Motion for Summary Judgment and/or
9 Adjudication, Defendants **shall** file, and serve on Plaintiff, a separate statement setting forth plainly and
10 concisely all material facts which they contend are undisputed. Each of the material facts stated shall be
11 followed by a reference to the supporting evidence. Further, Plaintiff **shall** file, and serve on
12 Defendants, a separate statement that responds to each of the material facts contended by Defendants to
13 be undisputed, indicating whether the opposing party agrees or disagrees that those facts are undisputed.
14 The statement also shall set forth plainly and concisely any other material facts that the opposing party
15 contends are disputed. Each material fact contended by the opposing party to be disputed shall be
16 followed by a reference to the supporting evidence.

17 5. The parties' Memoranda of Contentions of Fact and Law in compliance with Local Rule
18 16.1(f)(2) shall be filed with the Clerk of the Court, and copies served on all other parties **and lodged**
19 **with the Chambers of the Honorable Roger T. Benitez** on or before **February 12, 2007**.

20 6. All parties or their counsel shall also fully comply with the Pretrial Disclosure
21 requirements of Fed. R. Civ. P. 26(a)(3) on or **before February 12, 2007**. **Failure to comply with**
22 **these disclosures requirements could result in evidence preclusion or other sanctions under Fed.**
23 **R. Civ. P. 37.**

24 7. Counsel shall meet together and take the action required by Local Rule 16.1(f)(4) on or
25 before **February 20, 2007**. At this meeting, counsel shall discuss and attempt to enter into stipulations
26 and agreements resulting in simplification of the triable issues. Counsel shall exchange copies and/or
27 display all exhibits other than those to be used for impeachment. The exhibits shall be prepared in
28 accordance with Local Rule 16.1(f)(4)(c). Counsel shall note any objections they have to any other

1 parties' Pretrial Disclosures under Fed. R. Civ. P. 26(a)(3). Counsel shall cooperate in the preparation
2 of the proposed pretrial conference order.

3 8. The proposed final pretrial conference order, including objections they have to any other
4 parties' Fed. R. Civ. P. 26(a)(3) Pretrial Disclosures shall be prepared, served and lodged with the Clerk
5 of the Court on or before **February 26, 2007**, and shall be in the form prescribed in and in compliance
6 with Local Rule 16.1 (f)(6). Counsel shall also bring a court copy of the pretrial order to the pretrial
7 conference.

8 9. The final pretrial conference shall be held before the **Honorable Roger T. Benitez**,
9 United States District Court Judge, on **March 5, 2007**, at **10:30 a.m.**

10 10. Trial Date will be scheduled by the Court at the Pretrial Conference.

11 11. The dates and times set forth herein will not be modified except for good cause shown.

12 12. Plaintiff's counsel shall serve a copy of this order on all parties that enter this case
13 hereafter.

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15 DATED: November 8, 2006

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18 **CATHY ANN BENCIVENGO**
19 United States Magistrate Judge
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