UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Plaintiff(s),   No. C-   PJH

v.   **ORDER SETTING CASE MANAGEMENT CONFERENCE AND REQUIRING JOINT CASE MANAGEMENT STATEMENT**

Defendant(s).
_____/

IT IS HEREBY ORDERED that, pursuant to Fed. R. Civ. P. 16(b) and Civil L. R. 16-14, a Case Management Conference will be held in this case before the Honorable Phyllis J. Hamilton on _____, at 2:30 p.m., in Courtroom D, 15th Floor, Federal Building, 450 Golden Gate Avenue, San Francisco, California.

Plaintiff(s) shall serve copies of this Order immediately on all parties to this action, and on any parties subsequently joined, in accordance with Fed. R. Civ. P. 4 and 5. Following service, plaintiff(s) shall file a certificate of service with the Clerk of the Court.

Counsel shall meet and confer prior to the Case Management Conference with respect to all of the agenda items listed below. **Not less than ten (10) calendar days** before the conference, counsel shall file a joint case management statement addressing each agenda item in the order in which they are listed below. Following the conference, the court will enter its own Case Management and Pretrial Order. If any party is proceeding without counsel, separate statements may be filed by each party. Statements must be filed before each and every Case Management Conference scheduled in this case.

Each party shall appear personally or by counsel prepared to address all of the matters referred to in this Order and with authority to enter stipulations and make admissions pursuant to this Order. Any request to reschedule the date of the conference shall be made in writing, and by stipulation if possible, at least ten (10) calendar days before the date of the conference and must be based upon good cause.

AGENDA ITEMS

1.   Jurisdiction: Does the court have subject matter jurisdiction over all of the plaintiff's claims and defendant's counter-claims? What is the basis of that jurisdiction? Are all the parties subject to the court's jurisdiction? Do any parties remain to be served?

2.   Facts: What is the factual basis of plaintiff's claims and defendant's defenses? What is the factual basis of defendant's counter-claims and plaintiff's defenses? Provide a brief description of the events underlying the action.

3.   Legal Issues: What are the legal issues genuinely in dispute?

4.   Narrowing of Issues: Are there dispositive or partially dispositive issues appropriate for decision by motion or by agreement?

5.   Motions: What motions are anticipated?

6.   Discovery: What discovery does each party intend to pursue? Can discovery be limited in any manner?

7.   Relief: What relief does plaintiff seek? What is the amount of damages sought by plaintiff's claims and by defendant's counter-claims? Explain how damages are computed.

8.   ADR: Which ADR process do the parties jointly request?

9.   Settlement: What are the prospects for settlement? Does any party wish to have a settlement conference with a magistrate judge?

10.   Magistrate Judge Trials: Will the parties consent to have a magistrate judge conduct all further proceedings including trial?

11.   Trial: Will this case be tried by jury or to the court? Is it feasible or desirable to bifurcate issues for trial? What is the anticipated length of the trial? Is it possible to reduce the length of the trial by stipulation, use of summaries or statements, or other expedited means of presenting evidence?

12. <u>Related Cases</u>: Are there any related cases pending in this Court?

13. <u>Class Actions</u>: If a class action, how and when will the class be certified?

14. <u>Scheduling</u>: What are the earliest reasonable dates for discovery cutoff, hearing dispositive motions, pretrial conference and trial?

15. Such other matters as any party considers conducive to the just, speedy and inexpensive resolution of this matter.

     IT IS SO ORDERED.

Dated: 7/7/00

                                                   _____
                                                   PHYLLIS J. HAMILTON
                                                   United States District Judge

Copies mailed to counsel of record