

**OFFICE OF THE CLERK**  
**UNITED STATES DISTRICT COURT**  
**Northern District of California**

**CIVIL MINUTES**

**Date:** February 15, 2022

**Time:** 12 Minutes

**Judge:** EDWARD M. CHEN

**Case No.:** [13-cv-03891-EMC](#)

**Case Name:** Osinek v. Kaiser Permanente

**Attorneys for Plaintiffs:** Laurie Oberembt, Gary Dyal, Benjamin Wolinsky and Shiwon Choe (US); Amy Zeman (Osinek); Abram Zimberg (Stein & Bone); Roger Lewis (Bryant & Hernandez); Michael Ronickher (Taylor) and Janel Quinn (Bicocca)

**Attorneys for Defendants:** Lee Blalack, David Levis, Caitlin Bair, Jeffrey Fowler and Anne Steinberg.

**Deputy Clerk:** Vicky Ayala

**Zoom Webinar Time:** 2:29-2:41

**PROCEEDINGS**

Further Case Management Conference held.

**SUMMARY**

Parties stated appearances.

Focus on the hearing today is on the intervention claims. Parties agree that ADR is premature. Government stated they are always willing to discuss settlement. There has been settlement discussion that has not been successful. Some discovery is needed prior to resuming settlement discussions. The parties have yet to discuss the form of ADR.

As to dealing with Defendant's counterclaim, Defendant has drafted a proposed stipulation; this was sent to the government. The government is consulting with other.

Discovery disputes will be handled by Chief Magistrate Judge Spero.

The Court will hold off on ADR for now; ADR will be discussed at next hearing. The Court adopted the parties' schedule. Below is the parties' proposed briefing schedule with the Court's modifications in red:

Start of fact discovery	1/25/2022
Deadline for serving initial disclosures on intervened claims	2/22/2022
Deadline for motion(s) for leave to amend pleadings, subject to the limitations noted in	10/25/2022

Section 5 above.	
Deadline for completion of fact discovery	3/25/2024
Deadline for Defendants' designation of experts, service of affirmative expert reports, and service of rebuttal expert reports to Plaintiffs' affirmative expert reports	5/24/2024
Deadline for Plaintiffs' service of rebuttal expert reports addressing opinions in Defendants' affirmative expert reports	7/23/2024
Close of expert discovery	9/13/2024
Deadline for filing Federal Rule of Evidence 702 motions	10/4/2024
Deadline for oppositions to Federal Rule of Evidence 702 motions	12/4/2024
Deadline for replies in support of Federal Rule of Evidence 702 motions	1/24/2025
Provisional hearing date on Federal Rule of Evidence 702 motions	2/7/2025
Deadline for filing all dispositive motions	2/14/2025
Deadline for oppositions to dispositive motions	4/15/2025
Deadline for replies in support of dispositive motions	6/13/2025
Provisional hearing date on dispositive motions	8/12/2025
Pretrial meet-and-confer	10/28/2025
Deadline for motions in limine	November 7, 2025: Parties serve moving papers on each other November 14, 2025: Parties serve oppositions on each other November 18, 2025: Moving parties collate the motion and opposition together and file paired sets
Deadline for joint pretrial statement and trial briefs	11/18/2025

Deadline for objections	11/28/2025
Pretrial conference	<del>December 9, 2025</del> <b>January 20, 2026</b>
Start of Trial	<del>January 5, 2026</del> <b>February 17, 2026 8:30 am</b>

**Trial set for February 17, 2026.** Trial expected to last 35 Court days. Pretrial Conference set for **January 20, 2026, at 2:30 p.m.**