

1 15, 2008, to submit discovery requests to Plaintiff to ascertain the witnesses and exhibits
2 Plaintiff intended to call and use at trial. (docket ## 24 at 2, 35) Apparently they did not serve
3 any such discovery. Moreover, shortly after the parties consented to magistrate-judge
4 jurisdiction in December, 2009, docket # 74, the undersigned Magistrate Judge ordered a Rule
5 16 status conference for Tuesday, February 2, 2010 for the purpose of scheduling the trial dates,
6 final pretrial conference and other deadlines for the judicial management of this three-year-old
7 case. (docket # 77)

8 At the February 2, 2010 conference, Plaintiff appeared telephonically and
9 defense counsel was physically present whereupon the parties agreed upon mutually convenient
10 dates to resolve this case. At no time did Defendants' counsel complain about not knowing the
11 identity of Plaintiff's trial witnesses and exhibits or request that the motions *in limine* deadline
12 be set after the filing deadline for the Proposed Joint Final Pretrial Order. Although at times the
13 telephone connection with Plaintiff at the SMU Unit 2 was poor, the Court recalls that Plaintiff
14 informed the Court and defense counsel that he would like to call as witnesses all current or
15 former defendants in this case. Further, continuing the motions *in limine* deadline at this time
16 would jeopardize the balance of the other deadlines set to resolve this case and give Plaintiff
17 only 4 days, until Tuesday, March 16, 2010, to file his responses to Defendants' motions *in*
18 *limine*.

19 Finally, the Ninth Circuit made clear that "Federal Rule of Civil Procedure 16
20 is to be taken seriously." *Janicki Logging Co. v. Mateer*, 42 F.3d 561, 566 (9th Cir. 1994). The
21 dates and deadlines in the Court's February 3, 2010 Rule 16 scheduling order are **real, firm,**
22 and, consistent with the undersigned's responsibilities mandated by Congress in the Civil
23 Justice Reform Act of 1990, 28 U.S.C. §471 *et seq.*, **will not be altered** except only upon a
24 showing of good cause and by leave of the assigned trial judge.

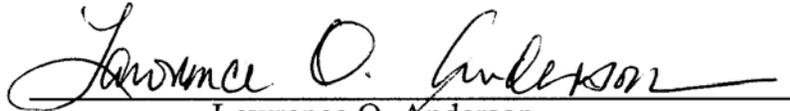
25 Due to the age of this case and good cause not appearing,

26 **IT IS ORDERED** that Defendant's request for expedited consideration is

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1 **GRANTED** and all other requested relief in Defendants' Motion to Extend the Deadlines for
2 Motions *In Limine*, docket # 90, is **DENIED**.

3 Dated this 25th day of February, 2010.

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6 Lawrence O. Anderson
7 United States Magistrate Judge
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