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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Anthony Sanchez,)	No. CV 04-0794-PHX-ROS
Plaintiff,)	ORDER
vs.)	
Rivas, et al.,)	
Defendant.)	

The Court, in ruling on Plaintiff’s Motion for Clarification, ordered Plaintiff’s action to proceed as to the following claims:

- (1) Count I -Plaintiff’s allegation that on May 17, 2003, Defendant Rivas used excessive force against him in violation of his Eighth Amendment rights.
- (2) Count III - Plaintiff’s allegation that from February through June 2004, Defendant McDonald sexually and verbally harassed him in violation of his Eighth Amendment rights, but only to the extent that Plaintiff is seeking nominal, compensatory, and punitive damages not premised on a physical injury.

The parties Joint Proposed Pretrial Order, filed before the Court ruled on Plaintiff’s motion, was not filed on McDonald’s behalf. Accordingly,

IT IS ORDERED that the attorneys who will be responsible for the trial of the case and the Plaintiff shall prepare, sign, and file an Amended Joint Proposed Pretrial Order by July 20, 2007.

1 **IT IS FURTHER ORDERED** that the content of the Amended Joint Proposed
2 Pretrial Order shall include, but not be limited to, the content prescribed in the Proposed Joint
3 Pretrial Form of Order which may be found on the Court's website.

4 A Final Pretrial Conference is set for this case for September 21, 2007 at 1:30 p.m..

5 **IT IS THEREFORE ORDERED** that the attorneys who will be responsible for the
6 trial of the case shall attend the Final Pretrial Conference (to be held at 401 W. Washington
7 Street, Phoenix, Arizona, Courtroom 604); defense counsel shall also make arrangements for
8 Plaintiff to appear telephonically at the Final Pretrial Conference (by filing notice, no later
9 than September 14, with the Court stating the telephone number at which Plaintiff can be
10 reached for the September 21, 2007 status hearing).

11 **IT IS FURTHER ORDERED** that pursuant to Federal Rule of Civil Procedure
12 37(c), the Court will not allow the parties to offer any exhibit, witness, or other evidence that
13 was not disclosed in accordance with the provisions of this Order and the Federal Rules of
14 Civil Procedure and listed in the Proposed Final Pretrial Order, except to prevent manifest
15 injustice.

16 **IT IS FURTHER ORDERED** that: (1) the parties shall number exhibits and such
17 numbers shall correspond to the numbers of exhibits listed in the **joint** Proposed Final
18 Pretrial Order; (2) **no later than fourteen (14) days before the submission deadline for the**
19 **joint Proposed Final Pretrial Order**, the parties shall meet in person and exchange marked
20 copies of all exhibits to be used at trial; any exhibit not marked and exchanged at this
21 meeting shall be precluded at trial; and (3) while meeting to exchange exhibits, the parties
22 shall eliminate any duplicate exhibits.

23 **IT IS FURTHER ORDERED** that, if this case shall be tried to a jury, the parties
24 shall file and serve all motions in limine no later than **August 24, 2007**. Each motion in
25 limine shall include the legal basis supporting it. Responses to motions in limine are due
26 **August 31, 2007. No replies will be permitted.** The attorneys for all parties shall come to
27 the Final Pretrial Conference prepared to address the merits of all such motions.
28

1 **IT IS FURTHER ORDERED** that, if this case shall be tried to a jury, the parties
2 shall complete the following tasks by the time of the lodging of the **joint** Amended Proposed
3 Final Pretrial Order:

4 (1) The parties shall file in a separate pleading a **stipulated-to** description of the case
5 to be read to the jury;

6 (2) For purposes of voir dire, the parties shall provide a **joint** master list of the name
7 of every witness who may be called at trial;

8 (3) The parties shall file in a **joint separate** pleading a proposed set of voir dire
9 questions. The voir dire questions shall be drafted in a neutral manner. To the extent possible,
10 the parties shall **stipulate to** the proposed voir dire questions. If the parties have any
11 disagreement about a particular question, the party or parties objecting shall state the reason
12 for their objection below the question.

13 (4) The parties shall file in a **joint separate** pleading a proposed set of jury
14 instructions. The instructions shall be accompanied by citations to legal authority. If a party
15 believes that a proposed instruction is a correct statement of the law, but the facts will not
16 warrant the giving of the instructions, the party shall so state. The party who believes that the
17 facts will not warrant the particular instruction shall provide an alternative instruction with
18 appropriate citations to legal authority.

19 (5) Each party shall file in a **separate** pleading a form of verdict to be given to the
20 jury at the end of the trial.

21 **IT IS FURTHER ORDERED** that the parties shall keep the Court informed of the
22 possibility of settlement and, should settlement be reached, the parties shall promptly present
23 a Stipulation and Order of Dismissal for signature by the undersigned. Mere Notice of
24 Settlement or notification by phone or e-mail of settlement shall not suffice to vacate the trial
25 date, nor excuse the parties from being ready and able to proceed with trial at the time and
26 on the date set for trial.

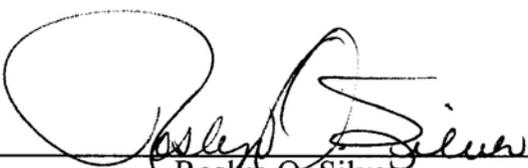
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1 **IT IS FURTHER ORDERED** that this Court views compliance with the provisions
2 of this Order as critical to its case management responsibilities and the responsibilities of the
3 parties under Rule 1 of the Federal Rules of Civil Procedure.

4 **IT IS FURTHER ORDERED** that the trial in this matter is set for September 25,
5 2007, at 8:30 a.m., at 401 W. Washington Street, Phoenix, Arizona, Courtroom 604.

6 DATED this 20th day of June, 2007.

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Roslyn O. Silver
United States District Judge