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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 KayAnne Riley,

No. CV-11-08123-PCT-JAT

10 Plaintiff,

**ORDER**

11 v.

12 City of Prescott, et al.,

13 Defendants.  
14

15 Pending before the Court is a motion filed pursuant to Rules 59(e) and 60(b).  
16 (Doc. 335). Because each of these rules specifically deals with amending a judgment,  
17 and because no judgment has been entered in this case, any motion under these Rules is  
18 procedurally premature.<sup>1</sup> Accordingly, the motion will be denied.

19 The Court intends to set trial in this case for Monday, December 5, 2016.  
20 Accordingly, counsel has one week from the date of this Order to review all attorney,  
21 client and witness schedules for a trial beginning December 5, 2016. Any motion to  
22 continue this trial date must be filed within seven (7) calendar days. Any such motion

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24 <sup>1</sup> Moreover, to the extent this motion could be interpreted as a motion for  
25 reconsideration under Local Rule 7.2(g), Defendants already filed, and the Court already  
26 denied, a motion for reconsideration on this topic at Doc. 325. Further, to the extent the  
27 motion to could be considered a second motion for reconsideration under Local Rule  
28 7.2(g), based on an alleged “change in the law” that occurred on December 1, 2015, the  
motion is untimely. Any such motion for reconsideration would have been due within 14  
days of December 1, 2015. To the extent the motion suggests this **case** was stayed as of  
December 1, 2015, the motion is in error. The Order regarding a stay stayed only **trial**  
and not the entire case. (Doc. 327). This fact is evidenced by the Court continuing to  
address matters collateral to trial even after the Order staying trial was issued. *See* (Docs.  
329, 331).

1 must show good cause why trial cannot proceed in approximately six months. In the  
2 event the any party moves for a continuation, within ten (10) calendar days of the date of  
3 this Order, counsel must confer among themselves and with all clients and witnesses and  
4 agree-to at least two trial dates that will allow trial of this case to conclude by March 31,  
5 2017.

6 Additionally, within ten (10) calendar days of the date of this Order, counsel shall  
7 confer and file a joint notice advising the Court of: 1) an estimated length of trial, and 2)  
8 whether a jury trial was properly demanded. If a motion to continue was filed within  
9 seven days, this joint notice must include proposed trial dates within the time frame  
10 specified above. Based on the foregoing,

11 **IT IS ORDERED** that the motion for relief under Rules 59(e) and 60(b) (Doc.  
12 335) is denied.

13 **IT IS FURTHER ORDERED** that any motion to continue the Court's proposed  
14 December 5, 2016 trial date is due within 7 days.

15 **IT IS FURTHER ORDERED** that a joint notice (as specified above) is due  
16 within 10 days.

17 Dated this 8th day of June, 2016.

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