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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GARY WILLIS,

Plaintiff,

v.

JOSEPH MULLINS et al.,

Defendant.

) 1:04-cv-6542 AWI GSA
)
)
)

) AMENDED SCHEDULING ORDER

) New Pretrial Conf.: Date : Dec. 16, 2009
) Time: 8:30 am
) Courtroom: (2) AWI

) New Trial : Date : Feb. 2, 2010
) Jury Trial
) Est. Time 5-6 days
) Time: 8:30 am
) Courtroom: (2) AWI

On July 30, 2009, the Court conducted a telephonic scheduling conference to discuss the trial date in this case. Marion Yagman appeared on behalf of Plaintiff Gary Willis. Michael Lehman appeared on behalf of Defendants Gary Mullins and Silvius. Mark Nations appeared on behalf of Defendant Bill Hood. James Flynn and Mark Kubicek appeared on behalf of Defendant Diane Mora.

The pretrial conference will be held on **December 16, 2009, at 8:30 am** in Courtroom 2 before the Honorable Chief Judge Anthony Ishii. The trial will begin on **February 2, 2010, at**

1 **8:30 am** in Courtroom 2 before the Honorable Chief Judge Anthony Ishii and is estimated to last
2 five to six days.

3 **I. Pretrial Conference Date**

4 Prior to the pretrial conference, the parties are ordered to file a **Joint Pretrial Statement**
5 **pursuant to Local Rule 16-281(a)(2)**. The parties are further directed to submit a digital copy of
6 their pretrial statement in Word Perfect X3¹ format, directly to Judge Ishii's chambers by
7 emailing it to awiorders@caed.uscourts.gov.

8 The parties' attention is directed to **Rules 16-281 and 16-282 of the Local Rules** of
9 Practice for the Eastern District of California, as to the obligations of counsel in preparing for the
10 pretrial conference. The Court will insist upon strict compliance with those rules.

11 **III. Trial Issues**

12 Plaintiff anticipates that the estimated time for trial is five to six days. Defendants are
13 unable to provide an estimate of the number of days for trial because they are unable to uncertain
14 what witnesses and evidence Plaintiff will produce, particularly because Plaintiff is a fugitive.
15 Plaintiff will oppose any request for bifurcation by Defendants.

16 The Parties' attention is directed to **Local Rules of Practice for the Eastern District of**
17 **California, Rule 16-285**, for preparation of trial briefs. The Court will insist upon strict
18 compliance with that rule.

19 **VI. Effect of this Order**

20 The foregoing order represents the best estimate of the Court and the parties as to the
21 agenda most suitable to dispose of this case. If the parties determine at any time that the
22 schedule outlined in this order cannot be met, counsel are ordered to notify the Court
23 immediately of that fact so that adjustments may be made, either by stipulation or by subsequent
24 status conference.

25 _____
26 If WordPerfect X3 is not available to the parties then the latest version of WordPerfect or any
27 other word processing program in general use for IBM compatible personal computers is
28 acceptable.

1 Stipulations extending the deadlines contained herein will not be considered unless they
2 are accompanied by affidavits or declarations, and where appropriate attached exhibits, which
3 establish good cause for granting the relief requested.

4 Failure to comply with this order may result in the imposition of sanctions.
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7 IT IS SO ORDERED.

8 **Dated: July 31, 2009**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

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