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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

GARY WILLIS,

Plaintiff,

v.

JOSEPH MULLINS, et al.,

Defendants.

CIV-F-04-6542 AWI BAM

**ORDER VACATING TRIAL
SCHEDULE**

Defendants Silvius and Mullins have made a motion to postpone the trial set for November 14, 2012. Their attorney, Michael Marderosian, has a five week trial set to begin November 5, 2012 in state court. At the pretrial conference on August 24, 2012, Heather Cohen appeared on behalf of Michael Marderosian who was at a hearing in the state case taking place at the same time. Ms. Cohen did mention the possibility that the state trial would interfere with this case. The state court case was originally set for September 5, 2012. A few days before the pretrial conference in this case, the parties the state case were told that no judge was available for September 5, 2012; they were offered a guaranteed court date of November 5, 2012 or a general postponement with no guaranteed court date. Mr. Marderosian agreed to the November 5, 2012 date. Plaintiffs oppose rescheduling this trial while Co-Defendants are amenable to the delay. While the trial date in this case has been set for a long time, courts must act flexibly and with comity when trial dates conflict. The state court trial is expected to be lengthy; rescheduling it would likely be difficult. This trial is only expected to last a few days.

1 All dates associated with the trial, including the motions in limine hearing and briefing
2 schedule, are vacated. The parties are directed to contact the Courtroom Deputy to schedule a
3 telephonic conference for the purpose of setting a new trial date.

4 IT IS SO ORDERED.

5 Dated: September 20, 2012

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CHIEF UNITED STATES DISTRICT JUDGE