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**IN THE UNITED STATES DISTRICT COURT**

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**FOR THE EASTERN DISTRICT OF CALIFORNIA**

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11 RONALD L. PORTER,

CASE NO. CV F 06-0880 LJO SMS

12 Plaintiff,

**ORDER TO VACATE PRETRIAL  
CONFERENCE AND TRIAL AND TO SET  
BRIEFING SCHEDULE**

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14 vs.

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RAY MABUS, Secretary of the  
Department of the Navy,

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Defendant.  
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18 This Court has reviewed the record, including the parties' joint pretrial statement, and concludes  
19 that this action is limited to this Court's review of the Equal Employment Opportunity Commission's  
20 ("EEOC's") award of attorney fees and costs to plaintiff Ronald L. Porter. This Court may accomplish  
21 such review on the record with the parties' further motions and papers discussed below and without a  
22 hearing or trial. As such, this Court:

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1. VACATES the February 5, 2013 pretrial conference and April 2, 2013 trial and orders  
24 the parties not to appear on those dates;

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2. ORDERS the parties, no later than March 4, 2013, to file and serve their respective  
26 motions and papers to support their positions as to the EEOC's award of attorney fees  
27 and costs and why they prevail in this action;

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3. ORDERS the parties, no later than March 18, 2013, to file and serve, at their election,

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papers to oppose the other party's position as to the EEOC's award of attorney fees and costs;

- 4. ORDERS the parties to file no further reply or other papers, unless this Court orders otherwise;
- 5. ORDERS the parties to index and file with their papers all exhibits which the parties request this Court to consider;
- 6. LIMITS the parties' moving and opposition points and authorities to 25 pages, excluding exhibits; and
- 7. ENCOURAGES the parties to contact U.S. Magistrate Judge Sandra Snyder if they desire a settlement conference.

After review of the parties' papers, this Court will issue its ruling on the merits of this action and/or request supplemental briefing. This Court will strike and will not consider papers or portions thereof which address matters other than the EEOC's award of attorney fees and costs and specifically will not address the merits of plaintiff's claims before the EEOC.

IT IS SO ORDERED.

**Dated: January 29, 2013**      /s/ Lawrence J. O'Neill  
UNITED STATES DISTRICT JUDGE