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**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA**

**NAOKO ITO et al.,**

**Plaintiffs,**

**v.**

**BRIGHTON/SHAW, INC., et al.,**

**Defendants.**

and related cross-claims.

**NO. 1:06-CV-01135 AWI-DLB**

**ORDER MODIFYING  
PRETRIAL ORDER**

**Motions In Limine Hearing**

**Date: May 11, 2009**

**Time: 1:30 p.m.**

**Venue: Courtroom 2**

**Trial Date: June 2, 2009**

**Time: 8:30 a.m.**

**Venue: Courtroom 2**

**RULES OF CONDUCT**

The January 16, 2009 Pre-Trial Order states that this action is proceeding to trial between Cross-Complainant Robert Carson (“Carson”) and Cross-Defendant Craig Davis (“Davis”) on the following issues: (1) Carson’s cross-claim for attorney malpractice against Davis; (2) Carson’s cross-claim for breach of contract against Davis; (3) Davis’s cross-claim for fraud against Carson; (4) Davis’s cross-claim for breach of implied covenant of good faith and fair dealing; and (5) Davis’s cross-claim for declaratory relief. Davis’s breach of implied covenant of good faith and fair dealing claim, however, is only alleged as to cross-defendant Brighton Hills Limited Partnership and not Carson. See Davis’s Cross-Complaint at page 4. Accordingly, Davis’s breach of implied covenant of good faith and fair dealing claim will not be a part of this

1 trial.

2           Additionally, in light of paragraph VIII of the Pre-Trial Order, Davis's claim for  
3 declaratory relief has been abandoned as to all Defendants, including Carson. The Pre-Trial  
4 Order is modified as follows:

5                     This action is proceeding to trial between Carson and Davis on the following  
6                     issues: (1) Carson's cross-claim for attorney malpractice against Davis; (2)  
7                     Carson's cross-claim for breach of contract against Davis; and (3) Davis's cross-  
8                     claim for fraud against Carson.

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10 IT IS SO ORDERED.

11 **Dated:** April 7, 2009

/s/ Anthony W. Ishii  
CHIEF UNITED STATES DISTRICT JUDGE

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