

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

NAOKO ITO et al.,) NO. 1:06-CV-01135 AWI-DLB
Plaintiffs,)
v.) ORDER MODIFYING
BRIGHTON/SHAW, INC., et al.,) PRETRIAL ORDER
Defendants.)
Motions In Limine Hearing
Date: May 11, 2009
Time: 1:30 p.m.

and related cross-claims.

**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.

9
10 IT IS SO ORDERED.

11 Dated: April 7, 2009

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