

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MAXIMILIAN MONCLOVA-CHAVEZ, Plaintiff, v. ERIC McEACHERN, et al., Defendants.	CASE NO. 1:08-cv-00076-AWI-BAM ORDER AFTER HEARING SCHEDULING ORDER <u>Telephonic Motion to Bifurcate</u> <u>Hearing:</u> June 18, 2012, at 1:30 p.m. in Courtroom 2 (AWI) <u>Telephonic Trial Confirmation</u> <u>Hearing:</u> January 7, 2013, at 1:30 p.m. in Courtroom 2 (AWI) <u>Jury Trial:</u> February 20, 2013, at 8:30 a.m. in Courtroom 2 (AWI) <u>Trial Estimate:</u> 6 days
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Plaintiff Maximilian Monclova-Chavez ("Plaintiff") is a federal prisoner proceeding in this civil action pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388, 91 S.Ct. 1999 (1971), which provides a remedy for violation of civil rights by federal actors. On April 3, 2012, a telephonic scheduling conference was held before the undersigned and further dates were set in this action.

Based upon the discussion at the telephonic hearing, it is HEREBY ORDERED that:

1. A hearing on Defendants' motion to bifurcate shall be set for **June 18, 2013, at 1:30 p.m.** before the Honorable Judge Ishii. The parties shall make arrangements for a conference call and, once all parties are on the line, shall call the Court at **(559) 499-499-5669**;

a. Defendants' motion to bifurcate shall be filed on or before **May 4, 2012**;
b. Plaintiff shall file an opposition or statement of non-opposition on or before **May 18, 2012**;

c. Defendants reply shall be filed on or before **May 31, 2012**;

2. A telephonic trial confirmation hearing¹ is set for **January 7, 2013, at 1:30 p.m.** in Courtroom 2 (AWI) before the Honorable Anthony W. Ishii. The parties shall make arrangements for a conference call and, once all parties are on the line, shall call the Court at **(559) 499-499-5669**;

a. The parties are ordered to file a Joint Pretrial Statement pursuant to Local Rule 281(a)(2). The parties are further directed to submit a digital copy of their pretrial statement in Word Perfect X3² format, directly to Judge Ishii's chambers by emailing it to awiorders@caed.uscourts.gov.

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

3. A jury trial is set for **February 20, 2013, at 8:30 a.m.** in Courtroom 2 before the Honorable Anthony W. Ishii, Chief United States District Court Judge. The parties' attention is directed to Local Rules of Practice for the Eastern District of California.

IT IS SO ORDERED.

Dated: April 23, 2012

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE

¹During the hearing the Court had set dates for the motion in limine hearing and a briefing schedule. Due to Defendants filing a motion to bifurcate, the Court has determined that the motion in limine hearing shall be vacated and dates for the hearing and briefing schedule will be set at the telephonic trial confirmation hearing.

² If WordPerfect X3 is not available to the parties then the latest version of WordPerfect or any other word processing program in general use for IBM compatible personal computers is acceptable.