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3 **UNITED STATES DISTRICT COURT**

4 EASTERN DISTRICT OF CALIFORNIA

5
6 ANTHONY DEAN SLAMA,

CASE NO. 1:08-cv-00810-SKO

7 Plaintiff,

ORDER CONTINUING TRIAL

8 v.

9 CITY OF MADERA, et al.,

**ORDER SETTING MOTION BRIEFING
SCHEDULE RE: DEFENDANTS' REQUEST
TO CALL PLAINTIFF'S FORMER
COUNSEL AS A WITNESS**

10 Defendants.

**ORDER SETTING MOTION IN LIMINE
SCHEDULE**

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13 _____ /
14 On May 31, 2013, the Court conducted a Pretrial Conference. Plaintiff Anthony Dean Slama
15 ("Plaintiff") appeared personally through his counsel, Andrew J. Fishkin, Esq. Defendants Officer
16 Sheklanian and Officer Chavez ("Defendants") appeared personally through their counsel, Gregory
17 L. Myers, Esq.

18 **A. New Dates Set**

19 Plaintiff requested to continue the trial date, set to begin on July 1, 2013, and Defendants
20 agreed to the continuance. The Court ORDERED that the trial be continued and set the following
21 dates:

22 **Pretrial Conference:** August 1, 2013, at 4:00 p.m. in Courtroom 7

23 **Motions in Limine Hearing:** August 19, 2013, at 9:30 a.m. in Courtroom 7

24 **Trial:** September 3, 2013, at 8:30 a.m. in Courtroom 7

25 **B. Motion Briefing Schedule Re: Testimony of Plaintiff's Former Counsel**

26 In the Amended Joint Pretrial Conference Statement (Doc. 170), the parties indicated that
27 Defendants intended to call Plaintiff's former counsel, Steven Geringer ("Geringer"), as a witness
28

1 at trial and asserted that it may be advisable to take Geringer's deposition. Defendants contended
2 that Plaintiff had waived his attorney-client privilege by providing information to the State Bar
3 during its investigation of an anonymous complaint filed against Geringer.

4 Plaintiff opposed Geringer's appearance, deposition, and testimony based on the
5 attorney-client privilege. Plaintiff asserted that providing information in response to an investigation
6 of an anonymous complaint did constitute a waiver of that privilege.

7 The Court DENIED without prejudice Defendants' request to depose or call Geringer as a
8 witness. Defendants may renew their request by filing a motion setting forth legal authority and
9 precedent that Plaintiff has waived the attorney-client privilege *in this case* by providing information
10 to the State Bar during its investigation into an anonymous complaint against Geringer. The parties
11 were informed that any brief submitted to the Court should provide Ninth Circuit and/or California
12 federal/state authority, or explain why such authority could not be cited.

13 If Defendants wish to renew their request to seek Geringer's testimony and deposition, the
14 Court sets the following briefing schedule for this issue:

15 Defendants' Opening Brief shall be filed by **no later than June 19, 2013.**

16 Plaintiff's Opposition Brief shall be filed by **no later than June 28, 2013.**

17 Defendants' Reply Brief shall be filed by **no later than July 5, 2013.**

18 The motion will be deemed submitted at that time. No oral argument will be necessary
19 unless requested by the Court.

20 **C. Motions in Limine**

21 The Court ORDERS the parties' counsel to meet and confer on anticipated motions in limine
22 and to distill evidentiary issues. The Court FURTHER ORDERS the parties to file motions in limine
23 as to only important matters in that most evidentiary issues can be resolved easily with a conference
24 among the Court and counsel. If, after conferencing, any party chooses to file motions in limine, the
25 party shall file and serve its motions in limine by **no later than August 5, 2013.**¹ Oppositions to
26

27 ¹ The Court notes that Defendants have filed a motion in limine. (Doc. 171.) As the Court is not considering
28 motions in limine at this time, Defendants may either file a new motion in limine or notice renewing the current motion
in limine by the new deadline of August 5, 2013.

1 motions in limine shall be filed and served **no later than August 12, 2013**. The Court will not
2 accept or consider reply papers. As noted above, the Court will conduct a motion in limine hearing
3 **on August 19, 2013, at 9:30 a.m.** in Courtroom 7 (SKO).

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5 IT IS SO ORDERED.

6 **Dated: June 5, 2013**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE