





1 Counsel may appear and argue non-dispositive motions by telephone, providing a  
2 written request to so appear is made to the Magistrate Judge's Courtroom Clerk no later than five  
3 (5) court days before the noticed hearing date. In the event that more than one attorney requests  
4 to appear by telephone then it shall be the obligation of the moving part(ies) to arrange and  
5 originate a conference call to the court.

6 All Dispositive Pre-Trial Motions shall be filed no later than November 12, 2009  
7 and heard no later than December 17, 2009, in Courtroom 4 before the Honorable Lawrence J.  
8 O'Neill, United States District Court Judge. In scheduling such motions, counsel shall comply  
9 with **Local Rules 78-230 and 56-260.**

10 **Motions for Summary Judgment or Summary Adjudication**

11 Prior to filing a motion for summary judgment or motion for summary  
12 adjudication the parties are ORDERED to meet, in person or by telephone, and confer to discuss  
13 the issues to be raised in the motion.

14 The purpose of the meeting shall be to: 1) avoid filing motions for summary  
15 judgment where a question of fact exists; 2) determine whether the respondent agrees that the  
16 motion has merit in whole or in part; 3) discuss whether issues can be resolved without the  
17 necessity of briefing; 4) narrow the issues for review by the court; 5) explore the possibility of  
18 settlement before the parties incur the expense of briefing a summary judgment motion; 6) to  
19 arrive at a joint statement of undisputed facts.

20 The moving party shall initiate the meeting and provide a draft of the joint  
21 statement of undisputed facts. In addition to the requirements of Local Rule 56- 260 the moving  
22 party shall file a joint statement of undisputed facts.

23 In the notice of motion the moving party shall certify that the parties have met and  
24 conferred as ordered above or set forth a statement of good cause for the failure to meet and  
25 confer.

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1           **V.     Pre-Trial Conference Date**

2           February 3, 2010 at 8:30 a.m. in Courtroom 4 before Judge O'Neill.

3           The parties are ordered to file a **Joint Pretrial Statement pursuant to Local**  
4 **Rule 16-281(a)(2)**. The parties are further directed to submit a digital copy of their pretrial  
5 statement in Word Perfect X3<sup>1</sup> format, directly to Judge O'Neill's chambers by email at  
6 LJOOrders@caed.uscourts.gov.

7           Counsels' attention is directed to **Rules 16-281 and 16-282 of the Local Rules** of  
8 Practice for the Eastern District of California, as to the obligations of counsel in preparing for the  
9 pre-trial conference. The Court will insist upon strict compliance with those rules.

10          **VI.    Trial Date**

11          March 22, 2010 at 9:00 a.m. in Courtroom 4 before the Honorable Lawrence J.  
12 O'Neill, United States District Court Judge.

13           A.     This is a jury trial.

14           B.     Counsels' Estimate of Trial Time: 4 to 6 days.

15           C.     Counsel's attention is directed to Local Rules of Practice for the Eastern  
16                 District of California, Rule 16-285.

17          **VII. Settlement Conference**

18          Should the parties desire a settlement conference, they will jointly request one of  
19 the court, and one will be arranged. In making such request, the parties are directed to notify the  
20 court as to whether or not they desire the undersigned to conduct the settlement conference or to  
21 arrange for one before another judicial officer.

22          **VIII. Request for Bifurcation, Appointment of Special Master, or other**  
23                 **Techniques to Shorten Trial**

24          Not applicable at this time.

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26           <sup>1</sup> If WordPerfect X3 is not available to the parties then the latest version of WordPerfect  
27 or any other word processing program in general use for IBM compatible personal computers is  
28 acceptable.

