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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

**SERGIO ALEJANDRO GAMEZ,**  
  
Plaintiff,  
  
**v.**  
  
**F. GONZALEZ, et al.,**  
  
Defendants.

Case No. 08cv1113 MJL (PCL)  
**THIRD AMENDED CASE  
MANAGEMENT  
CONFERENCE ORDER; and  
ORDER DENYING  
PLAINTIFF'S MOTION FOR  
HEARING DATE (Doc. No. 55)**  
  
**(Fed. R. Civ. P. 26)**

**THIRD AMENDED CASE MANAGEMENT CONFERENCE ORDER**

After consulting with the parties and being advised of the status of the case, and good cause appearing,

IT IS HEREBY ORDERED:

1. In order to identify the claims to be tried and eliminate delay and surprise at trial, the Court enters the following pretrial order pursuant to Fed.R.Civ.P. 16. This order replaces the requirements under the Local Rules. No Memoranda of Law or Contentions of Fact are to be filed except in a bench trial.

2. All parties or their counsel shall fully comply with the Pretrial Disclosure requirements of Fed.R.Civ.P. 26(a)(3) on or before April 4, 2011. Failure to comply with these disclosure requirements could result in evidence preclusion or other sanctions under Fed.R.Civ.P. 37. Additionally, parties who have already complied with Fed.R.Civ.P. 26(a)(3) may defer to disclosures already provided for compliance with this requirement.

1           3.     Pursuant to E. D. Civil Rule 16-281, on or before April 11, 2011 the  
2 parties shall meet and confer and prepare a proposed pretrial order containing the following:

- 3           a.     A statement to be read to the jury, not in excess of one page, of the nature  
4           b.     A list of the causes of action to be tried, referenced to the Complaint and  
5           Counterclaim. For each cause of action, the order shall succinctly list the  
6           elements of the claim, damages and any defenses. A cause of action in the  
7           Complaint or Counterclaim which is not listed shall be dismissed with  
8           prejudice.  
9           c(1).    A list of each witness that counsel actually expects to call at trial with a  
10           brief statement, not exceeding four sentences, of the substance of the  
11           witnesses' testimony.  
12           c(2).    A list of each expert witness that counsel actually expects to call at trial  
13           with a brief statement, not exceeding four sentences, of the substance of  
14           the expert witnesses' testimony.  
15           c(3).    A list of additional witnesses including experts that counsel do not expect  
16           to call at this time but reserve the right to call at trial along with a brief  
17           statement, not exceeding four sentences, of the substance of the witnesses'  
18           testimony.  
19           d(1).    A list of all exhibits that counsel actually expect to offer at trial with a  
20           one-sentence description of the exhibit.  
21           d(2).    A list of all other exhibits that counsel do not expect to offer at this time  
22           but reserve the right to offer if necessary at trial with a one-sentence  
23           description of the exhibit.  
24           e.     A statement of all facts to which the parties stipulate. This statement shall  
25           be on a separate page and will be read to and provided to the jury. The  
26           parties are directed to meet with the assigned magistrate judge to work out  
27           as many stipulations of fact as possible.  
28           f.     A list of all deposition transcripts by page and line, or video tape  
depositions by section, that will be offered at trial. The proponent of the  
deposition shall prepare a copy of all portions to be read or played to the  
jury.  
g.     The parties shall prepare proposed jury instructions (if trial by jury) on the  
substantive claims, damages and defenses. One set of proposed  
instructions shall be given to the court. If the parties disagree on an  
instruction, the alternative instructions shall be submitted.  
h.     The parties shall prepare a proposed jury verdict form.

21           The Court encourages the parties to consult with the assigned magistrate judge to work  
22 out any problems in preparation of the proposed pretrial order. The Court will entertain any  
23 questions concerning the conduct of the trial at the pretrial conference.

24           4.     The proposed final pretrial conference order, including objections they have to  
25 any other parties' Fed. R. Civ. P. 26(a)(3) Pretrial Disclosures shall be prepared, served and  
26 lodged with the Clerk of the Court on or before April 18, 2011, and shall be in the form  
27 prescribed in and in compliance with E. D. Civil Rule 16-281. Counsel shall also bring a court  
28 copy of the pretrial order to the pretrial conference.

1           5.       The final pretrial conference shall be held before the Honorable M. James Lorenz,  
2 United States District Court Judge, on **April 25, 2011, at 11:00 a.m.**

3           6.       The dates and times set forth herein will not be further modified except for good  
4 cause shown.

5           7.       Defense counsel shall serve a copy of this Order on all parties that enter this case  
6 hereafter.

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8                                   **ORDER DENYING PLAINTIFF'S MOTION FOR HEARING DATE(S)**

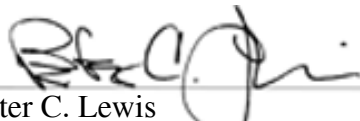
9           The Court is in receipt of Plaintiff's Motion for Hearing Date(s). (Doc. No. 55.) It  
10 appears Plaintiff is requesting hearing dates for two motions: (1) motion for Order directing  
11 defendants and their attorney to provide forwarding address; and (2) motion for Order directing  
12 defendants to allow Plaintiff to make copies in excess of one hundred (100) pages. (Id.)

13           At this time, the Court notes all Defendants are represented by the same attorney: Mr.  
14 Michael A. Terhorst of Beeson Terhorst, LLP. Therefore, if Plaintiff wishes to contact any  
15 named Defendant in this action by U.S. Mail, he is free to do so by directing the correspondence  
16 to Defendants' attorney of record. Moreover, the Court also notes the pending Motion to  
17 Compel Discovery is fully briefed at this time, discovery is now closed and no further motions  
18 are pending. Thus, it would appear there is no need for Plaintiff to copy any document in excess  
19 of 100 pages. Plaintiff's proposed Motions appear to be moot at this time and Plaintiff's Motion  
20 for Hearing Date(s) is DENIED.

21   **IT IS SO ORDERED.**

22   DATE: February 24, 2011

23

  
Peter C. Lewis  
U.S. Magistrate Judge  
United States District Court

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26   cc:       The Honorable M. James Lorenz  
27            All Parties and Counsel of Record

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