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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)  
  
**FOURTH AMENDED CASE  
MANAGEMENT  
CONFERENCE ORDER  
REGULATING DISCOVERY  
AND OTHER PRETRIAL  
PROCEEDINGS**  
  
**(Fed. R. Civ. P. 26)**

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

**IT IS HEREBY ORDERED:**

1. **All discovery, including expert discovery, shall be completed on or before April 24, 2011.**

Only discovery propounded prior to the date of this Order shall be completed on or before the date noted above. The previous discovery deadline of November 12, 2010 shall remain in effect for all discovery not propounded prior to that date. (See Doc. No. 59.) “Completed” means that all discovery under Rules 30-36 of the Federal Rules of Civil Procedure must be initiated a sufficient period of time in advance of the cut-off date, so that it may be completed by the cut-off date, taking into account the times for services, notice, and response as set forth in the Federal Rules of Civil Procedure.

1           2.       All motions, other than motions to amend or join parties, or motions in limine,  
2 SHALL BE FILED on or before May 23, 2011.

3           Motions will not be heard or calendared unless counsel for the moving party has obtained  
4 a motion hearing date from the law clerk of the judge who will hear the motion. Be advised that  
5 the parties must file their moving papers within three (3) days of receiving the motion hearing  
6 date from the Court. Be further advised that the period of time between the date you request a  
7 motion date and the hearing date may be up to six weeks. Please plan accordingly. For  
8 example, you may need to contact the judge's law clerk at least six weeks in advance of the  
9 motion cut-off to calendar the motion. Failure of counsel to timely request a motion date may  
10 result in the motion not being heard. Motions will not be heard on the above date unless you  
11 have obtained that date in advance from the judge's law clerk.

12           3.       Briefs or memoranda in support of or in opposition to any pending motion shall  
13 not exceed twenty-five (25) pages in length without permission of the judge or magistrate judge  
14 who will hear the motion. No reply memorandum shall exceed ten (10) pages without leave of  
15 the judge or magistrate judge who will hear the motion.

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

20           5.       All parties or their counsel shall fully comply with the Pretrial Disclosure  
21 requirements of Fed.R.Civ.P. 26(a)(3) on or before July 15, 2011. Failure to comply with these  
22 disclosure requirements could result in evidence preclusion or other sanctions under  
23 Fed.R.Civ.P. 37. Additionally, parties who have already complied with Fed.R.Civ.P. 26(a)(3)  
24 may defer to disclosures already provided for compliance with this requirement.

25           6.       Pursuant to E. D. Civil Rule 16-281, on or before July 22, 2011 the  
26 parties shall meet and confer and prepare a proposed pretrial order containing the following:

- 27                   a.       A statement to be read to the jury, not in excess of one page, of the nature  
28                   b.       A list of the causes of action to be tried, referenced to the Complaint and

1 Counterclaim. For each cause of action, the order shall succinctly list the  
2 elements of the claim, damages and any defenses. A cause of action in the  
Complaint or Counterclaim which is not listed shall be dismissed with  
prejudice.

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

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

28 7. The proposed final pretrial conference order, including objections they have to  
any other parties' Fed. R. Civ. P. 26(a)(3) Pretrial Disclosures shall be prepared, served and  
lodged with the Clerk of the Court on or before July 29, 2011, and shall be in the form  
prescribed in and in compliance with E. D. Civil Rule 16-281. Counsel shall also bring a court  
copy of the pretrial order to the pretrial conference.

8. The final pretrial conference shall be held before the Honorable M. James Lorenz,  
United States District Court Judge, on **August 8, 2011, at 11:00 a.m.**

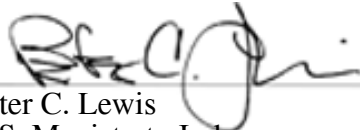
9. The dates and times set forth herein will not be further modified except for good

1 cause shown.

2 10. Defense counsel shall serve a copy of this Order on all parties that enter this case  
3 hereafter.

4 **IT IS SO ORDERED.**

5 DATE: March 24, 2011

6   
7 Peter C. Lewis  
8 U.S. Magistrate Judge  
9 United States District Court

10 cc: The Honorable M. James Lorenz  
11 All Parties and Counsel of Record

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