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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

RYAN COUCH, et al.,

CASE NO. CV F 08-1621 LJO DLB

Plaintiffs,

**ORDER ON STIPULATION TO RESET  
DATES**

vs.

(Doc. 229.)

TOMMY WAN, et al.,

Defendants.

\_\_\_\_\_ /  
The parties have received two prior extensions of all discovery, motion and trial dates. The parties filed their July 2, 2012 stipulation to seek a third extension of all discovery, motion and trial dates for three months. The record indicates that the parties have not diligently pursued discovery and that plaintiffs' discovery sought from the California Department of Corrections and Rehabilitation is overbroad and unfocused to contribute to discovery delays. The parties fail to demonstrate good cause to reset all discovery, motion and trial dates. As such, this Court RESETS and MAINTAINS dates as follows:

**1. Expert Witnesses**

Initial expert witness disclosures by any party shall be served no later than **October 19, 2012**. Supplemental expert witness disclosures by any party shall be served no later than **October 26, 2012**. Such disclosures must be made pursuant to F.R.Civ.P. 26(a)(2)(A) and (B) and shall include all information required thereunder. In addition, F.R.Civ.P. 26(b)(4) and F.R.Civ.P. 26(e) shall specifically

1 apply to all discovery relating to expert witnesses and their opinions. Each expert witness must be fully  
2 prepared to be examined on all subjects and opinions included in the designations. Failure to comply  
3 with these requirements will result in the imposition of appropriate sanctions, which may include the  
4 preclusion of testimony or other evidence offered through the expert witness. In particular, this Court  
5 will preclude testimony or other evidence if F.R.Civ.P. 26(e) is not strictly complied with.

## 6 **2. Discovery Cutoffs And Limits**

7 All nonexpert discovery and related discovery motions (including motions to compel) shall be  
8 completed or heard no later than **October 12, 2012**. All expert discovery and related discovery motions  
9 (including motions to compel) shall be completed or heard no later than **November 30, 2012**.

## 10 **3. Pretrial Motion Schedule**

11 All pretrial motions, both dispositive and nondispositive (except discovery motions addressed  
12 above), shall be served and filed no later than **December 7, 2012**. All pretrial dispositive and  
13 nondispositive motions (except discovery motions addressed above) shall be set before the appropriate  
14 judge for a hearing to be conducted no later than **January 7, 2013**.

15 At the pretrial conference, the Court will set filing and hearing dates for motions in limine and  
16 *Daubert* motions. Such motions do not need to be served and filed in accordance with the December  
17 7, 2012 deadline.

## 18 **4. Pretrial Conference**

19 The pretrial conference shall remain on **April 9, 2013 at 8:30 a.m.** in Department 4 (LJO) of this  
20 Court. The parties are directed to file a joint pretrial statement which complies with the requirements  
21 of this Court's Local Rule 16-281. In addition, the joint pretrial statement should include a brief factual  
22 summary and an agreed upon neutral statement of the case. An additional copy of the joint pretrial  
23 statement, carefully prepared and executed by all counsel, shall be electronically filed in CM/ECF and  
24 shall be e-mailed in Word or WordPerfect format to [ljoorders@caed.uscourts.gov](mailto:ljoorders@caed.uscourts.gov).

25 The parties' attention is directed to this Court's Local Rules 16-281 and 16-282. This Court will  
26 insist upon strict compliance with those rules.

27 At the pretrial conference, the Court will set deadlines to file motions in limine, *Daubert*  
28 motions, final witness lists, exhibits, jury instructions, verdict forms, objections, and other trial

1 documents.

2 **5. Trial Date**

3 A ten-day trial is set for **June 4, 2013 at 9 a.m.** in Department 4 (LJO) of this Court.

4 IT IS SO ORDERED.

5 **Dated: July 3, 2012**

/s/ Lawrence J. O'Neill  
UNITED STATES DISTRICT JUDGE

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