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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

IVAN RAY CARTER, JR.,

CASE NO. 1:08-cv-01841-SKO PC

Plaintiff,

ORDER SETTING BRIEFING SCHEDULE
AND HEARING DATE FOR MOTIONS IN
LIMINE

v.

A. FERNANDEZ, et al.,

Telephonic Hearing: April 4, 2012, at 11:00 a.m.
in Courtroom 7 (SKO)

Defendants.

_____ /
This matter is set for telephonic trial confirmation hearing on March 2, 2012, at 11:00 a.m. and jury trial on April 17, 2012, at 9:00 a.m. before the undersigned. Pursuant to Rule 16(b), the Court sets the following schedule for motions in limine.¹

1. All motions in limine must (1) clearly identify the nature of the evidence that the moving party seeks to prohibit the other side from offering at trial, and (2) be served on the other party/parties and filed with the Court on or before **March 14, 2012**;²
2. Any opposition to a motion in limine must be served on the other party/parties and filed with the Court no later than **March 28, 2012**; and

¹ Any party may file a motion in limine, which is a procedural mechanism to limit in advance testimony or evidence in a particular area. U.S. v. Heller, 551 F.3d 1108, 1111 (9th Cir. 2009) (quotation marks omitted). In the case of a jury trial, the Court's ruling gives Plaintiff and Defendants' counsel advance notice of the scope of certain evidence so that admissibility is settled before attempted use of the evidence before the jury. Heller, 551 U.S. at 1111-12 (quotation marks omitted).

Whether or not the parties file motions in limine, they may still object to the introduction of evidence during the trial.

² The Court notes Plaintiff that previously filed two motions in limine on December 13, 2011. (Docs. 107, 108.)

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3. A telephonic hearing on the motions in limine is set for **April 4, 2012, at 11:00 a.m.**
in Courtroom 7.³

IT IS SO ORDERED.

Dated: February 15, 2012

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

³ The hearing will be vacated if, upon review of the motions filed, the Court deems the hearing unnecessary.