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2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF CALIFORNIA

4 CHRIS WILLIS, et al.,

5 Plaintiffs,

6 vs.

7 CITY OF FRESNO, et al.,

8 Defendants.
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CASE NO. CV F 09-1766 LJO DLB

**ORDER TO SET TRIAL SETTING
CONFERENCE**

Date: August 15, 2013

Time: 8:30 a.m.

Courtroom 4

12 Given the Ninth Circuit's mandate, this Court SETS a trial setting conference for
13 **August 15, 2013 at 8:15 a.m.** before U.S. District Judge Lawrence J. O'Neill in Courtroom 4.

14 The parties are encouraged to appear at the conference by arranging a joint one-line conference
15 call and adding the Court at (559) 499-5680 after the parties' counsel are on the line. This
16 Court ORDERS the parties, no later than August 8, 2013, to file a joint statement to address
17 further handling of this action, including completion of any remaining discovery and requested
18 trial dates.
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20 Given this Court's undue caseload, U.S. District Judge Lawrence J. O'Neill is unable to
21 commit to scheduled trial dates. As such, the parties are required to consider, and if necessary,
22 to reconsider consent to one of the Court's U.S. Magistrate Judges to conduct all further
23 proceedings in that the Magistrate Judges' availability is far more realistic and accommodating
24 to parties than that of U.S. District Judge Lawrence J. O'Neill who must prioritize criminal and
25 older civil cases. A Magistrate Judge consent form is available on this Court's website.
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28 Civil trials set before Judge O'Neill trail until he becomes available and are subject to

1 suspension mid-trial to accommodate criminal matters. Civil trials are no longer reset to a later
2 date if Judge O'Neill is unavailable on the original date set for trial. If a trial trails, it may
3 proceed with little advance notice, and the parties and counsel may be expected to proceed to
4 trial with less than 24 hours notice. Moreover, this Court's Fresno Division randomly and
5 without advance notice reassigns civil actions to U.S. District Judges throughout the nation to
6 serve as visiting judges. In the absence of Magistrate Judge consent, this action is subject to
7 reassignment to a U.S. District Judge from outside the Eastern District of California. Case
8 management difficulties, including trial setting and interruption, are avoided if the parties
9 consent to conduct of further proceedings by a U.S. Magistrate Judge.
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14 IT IS SO ORDERED.

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16 **Lawrence J. O'Neill**

Dated: **July 23, 2013** _____ /s/

UNITED STATES DISTRICT JUDGE