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

**MANUELA CANCINO CONTRERAS
MORALES and R.A.M., a minor,**

Plaintiff,

v.

**CITY OF DELANO; MARK P.
DEROSIA; JOSE MEJIA; SHAUN
MANUELE; and DOES 1 through 50,
inclusive,**

Defendants.

1:10-CV-1203 AWI JLT

**ORDER ON PARTIES'
OBJECTIONS TO COURT'S
PRETRIAL ORDER AND
AMENDMENTS THERETO**

Doc #'s 150 and 151

On September 17, 2012, the court issued a Pretrial Order in this action and directed the parties to enter any objections thereto within 10 days. Plaintiffs filed their objections on September 25, 2012, and Defendants timely filed their objections on September 27, 2012. Neither party has filed any response to the objection of the other party.

Plaintiffs' objection to the pretrial order requests that the court amend the pretrial order by adding certain specified portions of transcripts of depositions of individual Defendants, Manuele and Mejia to the list of discovery documents that might be used at trial. Plaintiffs also request that specified portions of the transcripts of depositions of other anticipated witnesses for the Defendants and specified portions of the deposition transcripts of Maria Nunez and Manuela Cancino Contreras Morales be added to the list of discovery documents to be used at trial. In view of the fact that the contents of these depositions have been known to Defendants for some time and there being no objection by Defendants, Plaintiffs' request amendment of the Pretrial order will be granted.

1 Defendants' objection to the Pretrial Order seeks to add two affirmative defenses to list
2 of affirmative defenses that are listed at page 22 of the Pretrial Order. Defendants state that
3 the additional two affirmative defenses, numbers 7 and 9, were inadvertently omitted from the
4 material submitted in the parties' joint pretrial statement but the affirmative defenses have
5 been referenced in Defendants' points of law and are well known by the court and Plaintiffs to
6 be defenses that have been asserted and continue to be asserted by Defendants. Defendants'
7 proposed Affirmative Defense numbered "7" states, "Defendant Mejia's and Defendant
8 Manuele's entry into the residence was justified by exigent circumstances and the emergency
9 exception." The Affirmative Defense numbered "9" states "Plaintiffs Manuela Cancino
10 Contreras Morales and R.A.M. lack standing to bring this action." The court has reviewed the
11 affirmative defenses asserted by Defendants and finds the defenses have been addressed by
12 Plaintiffs and discussed by the court. There being no objection, the court will grant
13 Defendants' request to amend the Pretrial Order to include the two affirmative defenses
14 asserted by Defendants.

15
16 THEREFORE, in consideration of the foregoing, it is hereby ORDERED that the
17 court's Pretrial Order, Document number 131 is hereby deemed AMENDED as follows:

- 18 1. The discovery materials listed at pages 2:13 to 4:17 of Plaintiffs' objection to the
19 Pretrial order, Document number 150, are hereby deemed INCORPORATED BY
20 REFERENCE at subsection "X" of the Pretrial Order.
- 21 2. Defendants' Affirmative Defenses numbered 7 and 9 as set forth in Defendants
22 Objection to Pretrial Order, Document number 151 are hereby deemed
23 INCORPORATED BY REFERENCE at subsection "VI" of the Pretrial Order.

24 IT IS SO ORDERED.

25 Dated: October 18, 2012

26 
27 CHIEF UNITED STATES DISTRICT JUDGE