

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

JAMES LORAN QUINN,

Plaintiff,

vs.

FRESNO COUNTY SHERIFF, et al.,

Defendants.

Case No. 1:10-cv-01617 LJO BAM

ORDER GRANTING PLAINTIFF'S EX
PARTE MOTIONS TO AMEND THE
PRETRIAL ORDER

(Docs. 124 & 129)

Pending before the Court are two motions filed by Plaintiff to amend the pretrial order. First, on July 25, 2012, Plaintiff moved to include Wade Mangiarelli in his trial witness list. In response, the Court indicated that Plaintiff's request would be granted on condition that Wade Mangiarelli would be made available for deposition by no later than August 1, 2012, and that Plaintiff would pay the cost of obtaining expedited deposition transcripts. These conditions were aimed at curing any prejudice that Defendants might incur as a result of Plaintiff's late addition. On July 31, 2012, Plaintiff notified the Court that he agreed to the conditions and that the parties had stipulated to holding Wade Mangiarelli's deposition on August 1, 2012, at 9:00 a.m.¹ Accordingly, Plaintiff's July 25, 2012, ex parte motion to amend the pretrial order (Doc. 124) is GRANTED.

¹ In its order, the Court instructed Plaintiff to file and serve notice of whether he agreed to the Court's conditions by no later than **noon on July 30, 2012**. (Doc. 128 at 3.) Plaintiff, however, did not notify the Court of his decision until one day past the deadline, on July 31, 2012. This is the second time the Court has had to admonish Plaintiff's counsel for failing to abide by Court deadlines. (See Doc. 103 at 6.) Plaintiff's counsel is placed on notice that any further untimeliness on his part **will be grounds for sanctions**.

1 Second, on July 27, 2012, Plaintiff moved to include the deposition testimony of Dr. Khoi Lee
2 and Dr. Lorie DeCarvalho in his list of discovery documents that may be used at trial. On July 31, 2012,
3 Defendants responded that they do not oppose Plaintiff's motion so long as their counter-designations
4 to the deposition testimony are accepted one day late.² Good cause appearing and seeing no prejudice
5 to either party, the Court GRANTS Plaintiff's July 27, 2012, ex parte motion to amend the pretrial order
6 (Doc. 129), and accepts Defendants' counter-designations.

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18 IT IS SO ORDERED.

19 Dated: August 3, 2012

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

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² The deadline for counter-designations was set for July 30, 2012.