

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION**

BRITZ FERTILIZERS, INC.,

Plaintiff,

v.

**NATIONWIDE AGRIBUSINESS
INSURANCE COMPANY,**

Defendant.

Case No. 1:10:CV-02051-AWI-MJS

**ORDER RE STIPULATION FOR
A NEW TRIAL DATE AND
RELATED DATES**

Old Trial Date: August 11, 2015
New Trial Date: February 23, 2016
Time: 8:30 am.
Place: Courtroom 2
Judge: Hon. Anthony W. Ishii

On June 23, 2015, the parties filed a stipulation and request for continuation of the scheduled trial date in this matter to allow for mediation. The Court will grant the parties request with the modifications of briefing schedule made herein.

The New Trial Date is February 23, 2016, and the Trial Confirmation/Motions In Limine Hearing will be set for February 8, 2016 at 1:30 p.m.

Further as to briefing schedule for the Motions in Limine:

1 1) Each party shall file and serve Motions in Limine by 4:00 P.M. on January
2 5, 2016.

3 2) Oppositions are to be filed and served by 4:00 P.M. on January 19, 2016.

4 3) Replies are to be filed and served by January 26, 2016.

5 In addition, the following deadlines will apply:

6 (1) in accordance with Section X of the June 19, 2015 Pretrial Order, Nationwide
7 is authorized to file a pretrial motion to order the trial and a motion for preference as to
8 the causation issue. Those motions must be filed by January 12, 2016. Any Opposition
9 or statement of non-opposition must be filed by January 26, 2016. Any Reply must be
10 filed by February 2, 2016. Further, pursuant to Section XV of the Pretrial Order, if any
11 party seeks to have the trial proceed in a manner different than the court's standard
12 practice as set forth in section XV of the June 19, 2015 Pretrial Order, Doc 138, they
13 may file a motion using the same timeline;

14 (2) in accordance with Section XX(A) of the June 19, 2015 Pretrial Order, the
15 parties shall file and serve their final list of witnesses by Thursday, February 18, 2016.
16 Additionally, at that time the parties shall disclose the order of witnesses so that the
17 parties will be prepared for cross-examination;

18 (3) the parties may file and serve trial briefs by Thursday January 28, 2016. Any
19 responding brief shall be filed by Wednesday February 3;

20 (4) in accordance with section XX(C) of the June 19, 2015 Pretrial Order, the
21 parties shall deliver the required exhibit binders to Courtroom Clerk Renee Gaumnitz
22 by Thursday, February 18;

23 (5) in accordance with section XX(D) of the Pretrial Order, each party shall file
24 and serve a list of all discovery documents the party intends to use at trial by February
25 18, 2016. If the discovery document has not previously been lodged with the Clerk, the
26 party shall so lodge the document by February 18, 2016;

1 (6) in accordance with section XX(G) of the Pretrial Order, the parties are
2 required to lodge a copy of any videotape they wish to use, along with a copy of any
3 written transcript that is available, by 4:00 P.M., on Thursday February 18, 2016;

4 (7) in accordance with section XX(I) of the Pretrial Order, proposed jury
5 instructions shall be filed and served on February 2, 2016. The parties are ordered to
6 confer after the February 9, 2016 hearing regarding the motions in limine to determine
7 which instructions they agree should be given. If any disputes remain after resolution of
8 the motions in limine, the parties are directed to identify for the court the specific
9 objections which exists as to each disputed instruction by Monday, February 15, 2016;

10 (8) in accordance with section XX(J) of the Pretrial Order, the parties shall file
11 and serve proposed voir dire questions on Thursday, February 18, 2016, in addition to a
12 list of all prospective witnesses, including rebuttal witnesses, that counsel reasonably
13 expect to call;

14 (9) in accordance with section XX(K) of the Pretrial Order, the parties shall lodge
15 with the courtroom deputy a joint agreed summary of the case by Thursday, February
16 18, 2016; and

17 (10) at least seven days before trial the parties are required to file a joint
18 statement listing all portions of depositions, answers to interrogatories, and responses to
19 requests for admission that any party expects it may offer at trial. The joint statement
20 will include objections interposed by any party to the admissibility of the designated
21 discovery documents.

22 IT IS SO ORDERED.

23 Dated: June 23, 2015

24 
25 _____
26 SENIOR DISTRICT JUDGE
27
28