

1 Court held a telephonic hearing on this matter on October 12, 2016, at which Charles Anthony Piccuta
2 appeared for Plaintiff, and Diana Esquivel and Maureen C. Onyeagbako appeared for Defendants.

3 For the reasons discussed at that hearing, the Court grants Plaintiff's motion. Separate orders
4 will issue vacating the previously-issued writs of habeas corpus ad testificandum for the incarcerated
5 witnesses, and recalling the subpoenas for the unincarcerated witnesses, in this matter. Further, as
6 noted at the hearing, although counsel for Plaintiff did not file a substitution of counsel, the Court
7 understands that Charles Anthony Piccuta, of the Piccuta Law Group, LLP, intends to substitute for
8 Plaintiff representing himself pro se. The Court accepts that substitution.

9 Finally, as discussed during the hearing, the Court encourages the parties to continue any
10 discussions regarding potentially resolving this case short of trial. Should the parties desire the
11 assistance of the Court in regards to any settlement negotiations, the parties are encouraged to contact
12 the Courtroom Deputy, Harriet Herman, to make arrangements.

13 Accordingly, the Court HEREBY ORDERS that:

- 14 1. Plaintiff's ex parte application, (ECF No. 286) filed on October 10, 2016, is granted;
- 15 2. The previous trial date of October 17, 2016 is vacated. Trial is now set for **December**
16 **13, 2016** at 8:30 a.m. before U.S. Magistrate Judge Barbara A. McAuliffe in Courtroom 8 (BAM);
- 17 3. A telephonic pre-trial status conference is set for **November 17, 2016** at 9:00 a.m.
18 Plaintiff's counsel shall make arrangements and have a one line conference call, with ALL counsel on
19 the line, and shall initiate the call at the designated time. After all parties are on the line, the call
20 should then be placed to Judge McAuliffe's chambers at (559) 499-5789; and,
- 21 4. The current deadlines in the August 4, 2016 pretrial order for the submission of trial
22 briefs, proposed verdict forms, proposed jury instructions, proposed voir dire, proposed statements of
23 the case, and trial exhibits, are vacated. An amended pretrial order will be issued in due course.

24
25 IT IS SO ORDERED.

26 Dated: October 12, 2016

/s/ Barbara A. McAuliffe
27 UNITED STATES MAGISTRATE JUDGE