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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JOHN C. BRISBIN, an individual, dba
CONSTRUCTION DEVELOPMENT
SYSTEMS,

Plaintiff,

v.

CALMAT CO, dba VULCAN
MATERIALS COMPANY - WESTERN
DIVISION,

Defendant.

CASE NO. 1:11-cv-00568-AWI-SKO

**ORDER CONTINUING PRE-TRIAL
CONFERENCE AND TRIAL DATES**

(Docket No. 42)

CALMAT CO., dba VULCAN
MATERIALS COMPANY – WESTERN
DIVISION,

Counter-Claimant,

v.

JOHN C. BRISBIN, an individual, dba
CONSTRUCTION DEVELOPMENT
SYSTEMS; WESTERN SURETY
COMPANY,

Counter-Defendant.

On January 25, 2013, the Court issued a Minute Order vacating the Pretrial Conference and Trial dates in light of the continuance of the Settlement Conference. (Doc. 41.) The parties were ordered to "select a new Pretrial Conference date to be held on a Wednesday, Thursday or Friday after the Settlement Conference," and were also informed that "[t]he Court will set a new Trial date accordingly based on the new Pretrial Conference date." (Doc. 41.)

1 On January 28, 2013, the parties filed a Stipulation to Continue Pretrial Conference and Trial
2 dates. (Doc. 42.) Inexplicably and in contrast to the Court's January 25, 2013, Minute Order, the
3 parties selected a new Trial date (not a Pretrial Conference date as ordered) and indicated that the
4 Pretrial Conference be "reset by the Court." (Doc. 42.)

5 The Court will nonetheless accommodate the parties' requested trial date with the caveat that
6 since it falls on a Monday and Senior District Judge Ishii begins trials on Tuesdays, the trial will be
7 set for August 20, 2013.

8 Accordingly, the schedule is modified as follows:

- 9 1. The Pretrial Conference is set for June 26, 2013; and
- 10 2. The Trial is set for August 20, 2013.

11
12 IT IS SO ORDERED.

13 **Dated: January 31, 2013**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE