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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

Case No. 1:11-cv-00622-SKO

FRESNO ROCK TACO, LLC, a California limited liability corporation; ZONE SPORTS CENTER, LLC, a California limited liability corporation; THE FINE IRISHMAN, LLC, a California limited liability corporation; HEIDI BARBIS, an individual; MILTON PETER BARBIS, and individual; HEIDI BARBOS as guardian ad litem for CLAIRE BARBIS, a minor

Plaintiffs,

v.

BEN RODRIGUEZ, an individual; BRENDAN RHAMES, an individual; GEORGEANNE WHITE, an individual; THE CITY OF FRESNO; a California municipality; and DOES 1-100 inclusively,

Defendants.

\_\_\_\_\_ /

**ORDER SETTING BRIEFING SCHEDULE ON PLAINTIFF ZONE SPORTS, LLC’S STANDING UNDER THE FOURTH AMENDMENT**

On June 23, 2016, the parties appeared for a telephonic pre-trial conference. Plaintiffs Zone Sports, LLC, and Claire Barbis were represented by Douglas Thornton, Esq., and Defendant Ben Rodriguez was represented by Stephen Pass, Esq.

The Court informed the parties that because outstanding threshold legal issues remained unresolved before trial, the Court would *sua sponte* order briefing on the dispositive issue of Plaintiff Zone Sports, LLC’s standing to pursue a Fourth Amendment violation against Defendant Ben Rodriguez.

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. By no later than 12:00 p.m. on **July 8, 2016**, Plaintiffs SHALL file a brief of no  
3 more than 10 pages, exclusive of supporting declarations and exhibits, addressing  
4 whether Plaintiff Zone Sports, LLC, is an appropriate plaintiff in this matter,  
5 specifically addressing:

6 a. Plaintiff Zone Sports, LLC's standing to claim a Fourth Amendment  
7 violation as to the search warrant and the search of each of the following  
8 properties pursuant to the warrant:

- 9 i. 2536 W. Stuart Avenue, Fresno, CA 93711;  
10 ii. 3950 N. Cedar Avenue, Fresno, CA 93711;  
11 iii. 4020 N. Cedar Avenue, Fresno, CA 93711; and  
12 iv. 4000 N. Cedar Avenue, Fresno, CA 93711.

13 2. By no later than end of day **July 13, 2016**, Defendant SHALL file a response to  
14 Plaintiff's brief of no more than 10 pages, exclusive of supporting declarations and  
15 exhibits;

16 3. By no later than 12:00 p.m. on **July 15, 2016**, Plaintiffs SHALL file a reply to  
17 Defendant's response of no more than 5 pages, exclusive of supporting declarations  
18 and exhibits;

19 4. A hearing on the issue of Plaintiff Zone Sports, LLC's standing to pursue a claim  
20 for violation of the Fourth Amendment is set for **July 20, 2016, at 11:00 a.m. in**  
21 **Courtroom 7** before the Honorable Sheila K. Oberto. The parties may request  
22 telephonic appearances, and all parties wishing to appear telephonically shall  
23 coordinate one conference call to the Court at (559) 499-5790 at the time and date  
24 for the conference; and

25 5. The Pre-Trial Conference is CONTINUED to **August 2, 2016, at 3:30 p.m., in**  
26 **Courtroom 7** before the Honorable Sheila K. Oberto.

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1 By no later than **July 27, 2016**, the parties are ORDERED to file a supplemental Joint  
2 Pretrial Statement pursuant to Local Rule 281(a)(2) addressing the changes to Plaintiffs' claims, if  
3 any, resulting from the Court's order on Plaintiff Zone Sports, LLC's standing to pursue a Fourth  
4 Amendment claim. The parties are further ORDERED to submit a digital copy of their pretrial  
5 statement in Microsoft Word format directly to chambers by email at  
6 SKOorders@caed.uscourts.gov. The attention of counsel is directed to Rules 281 and 282 of the  
7 Local Rules of the Eastern District of California, as to the obligations of counsel in preparing for  
8 the pre-trial conference. The Court will insist upon strict compliance with those rules.

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10 IT IS SO ORDERED.

11 Dated: **June 23, 2016**

*/s/ Sheila K. Oberto*  
UNITED STATES MAGISTRATE JUDGE

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