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6 **UNITED STATES DISTRICT COURT**  
7 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
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9 FRESNO ROCK TACO, LLC, et al.,

CASE NO. 1:11-cv-00845-SKO

10 Plaintiffs,

**ORDER RE DEADLINES FOR TRIAL**

11 v.

12  
13 NATIONAL SURETY CORPORATION,

14 Defendant.  
15 \_\_\_\_\_/

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17 On May 23, 2013, the trial in this matter was reset following a mistrial. Trial is now set  
18 for **July 23, 2013, at 8:30 a.m. in Courtroom 7**. The Court intends to give the same jury  
19 instructions and use the same verdict form and voir dire questions. Should the parties desire  
20 changes to any matters to be presented to the jury with respect to the jury instructions or the  
21 verdict form, the parties shall submit any **stipulated** change requests **no later than July 10,**  
22 **2013**. The parties are ordered to meet and confer regarding any requests for changes to the jury  
23 instructions and the verdict form. The Court will not be generally inclined to entertain change  
24 requests to which the parties have not agreed.

25 Additionally, the September 11, 2012, pretrial order **remains in effect**. All deadlines  
26 therein, except the deadline for submission of trial documents which is reset below, have  
27 expired. Should either party wish to amend the pretrial order **in any respect**, a motion to amend  
28

1 the pretrial order **shall be filed no later than June 19, 2013**. Any opposition or response to the  
2 motion to amend the pretrial order **shall be filed no later than June 28, 2013**.<sup>1</sup>

3 Finally, **all trial submissions**, which may include exhibits, discovery documents, and  
4 deposition transcripts, shall be submitted to the Clerk's Office **no later than July 16, 2013**.  
5 Each party is to submit one (1) original and three (3) copies of its separate exhibit binder and the  
6 parties shall coordinate with each other to submit one (1) original and three (3) copies of any  
7 joint exhibit binder.<sup>2</sup> Furthermore, the parties are to submit one (1) original<sup>3</sup> of any deposition  
8 transcript(s) to be used for impeachment purposes. These trial submissions **must be submitted**  
9 **to the Clerk's Office no later than 4 p.m. on July 16, 2013**. **The parties may not attempt to**  
10 **deliver their exhibits or other trial submissions directly to chambers**. Strict compliance  
11 with this order is expected and required.

12 Accordingly, IT IS HEREBY ORDERED that:

- 13 1. Any motion to amend the September 11, 2012, pretrial order shall be filed **no**  
14 **later than June 19, 2013**, and any opposition thereto shall be filed **no later than**  
15 **June 28, 2013**;
- 16 2. Any stipulated requests for changes to the jury instructions or the verdict form  
17 shall be filed with the Court no later than **July 10, 2013**; and
- 18 3. All trial submissions including exhibits, discovery documents, and/or deposition  
19 transcripts must be submitted to the Clerk's Office **no later than July 16, 2013**.

20 IT IS SO ORDERED.

21 Dated: **June 4, 2013**

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

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25 <sup>1</sup> To amend a pretrial order, the parties must either stipulate to the amendment or the party seeking amendment  
26 must establish manifest injustice if the amendment is not authorized. Fed. R. Civ. P. 16(e) ("The court may modify  
27 the order issued after a final pretrial conference only to prevent manifest injustice."); *Galdamez v. Potter*, 415 F.3d  
1015, 1020 (9th Cir. 2005).

28 <sup>2</sup> To the extent original documents are not available, copies may be provided so long as one set of each exhibit  
binder is designated as an "original."

<sup>3</sup> If an original deposition transcript is not available, a copy may be provided and it will be designated as an  
"original."

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