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5 **UNITED STATES DISTRICT COURT**  
6 **EASTERN DISTRICT OF CALIFORNIA**  
7

8 **GARY COPPOLA, et al.,**

9 **Plaintiffs**

10 **v.**

11 **GREGORY SMITH, et al.,**

12 **Defendants**

13  
14 \_\_\_\_\_  
15 **AND RELATED CLAIMS**

**CASE NO. 1:11-CV-1257 AWI BAM**

**ORDER SETTING BRIEFING  
SCHEDULE**

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17 On January 13, 2017, the Court issued a pre-trial order. See Doc. No. 452. The pre-trial  
18 order clarified that a jury would be used for the various state law negligence, nuisance, indemnity,  
19 contract, and trespass claims. See id. at § II. In response to representations made in the pre-trial  
20 statement, the pre-trial order required the parties to brief the issue of whether a jury trial was  
21 available as a matter of right for the remaining claims, whether the parties would consent to a jury  
22 trial on all claims and issues pursuant to Federal Rule 39(c)(2), whether an advisory jury should be  
23 utilized under Federal Rule 39(c)(1), or whether the remaining claims should be tried strictly  
24 before the bench. See id. The Court also required the parties to include in their briefing their  
25 positions and suggestions on possible bifurcation/separate trial of claims. See id.; see also id. at §  
26 XV.

27 Although not included in the pre-trial order, during the January 12, 2017 pre-trial  
28 conference, the Court understood that the parties would meet and confer in order to set a briefing

1 schedule for the above issues. As of the date and time of service of this order, no schedule has  
2 been communicated to the Court. In fact, the Court has received a request from Plaintiffs' counsel  
3 to set a schedule.

4 Given the passage of time and the request from Plaintiffs' counsel, the Court will set a  
5 briefing schedule in order to resolve the jury/non-jury and bifurcation issues.

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7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. All parties will file the above described briefing no later than 2:00 p.m. on January 27,  
9 2017;
- 10 2. All parties shall file responses to the briefs of the other parties no later than 2:00 p.m. on  
11 February 3, 2017; and
- 12 3. Once the Court has received all the briefing, the Court will either issue a written order that  
13 decides the issues or set a hearing date.

14  
15 IT IS SO ORDERED.

16 Dated: January 18, 2017

  
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17 SENIOR DISTRICT JUDGE