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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ISAAC MILLER,
Plaintiff,
v.

HANFORD POLICE OFFICER STEVE
SCHMITZ, et al.,
Defendants.

Case No. 1:12-cv-0137 LJO SAB
ORDER OVERRULING DEFENDANTS’
OBJECTION TO PLAINTIFF’S AMENDED
WITNESS LIST
(Doc. 93)

Defendants Officer Steve Schmitz and the City of Hanford (collectively “Defendants”) object to Plaintiff Isaac Miller’s (“Plaintiff’s”) amended witness list, which was filed on November 10, 2013. Defendants maintain that Plaintiff’s amended witness list is untimely and therefore should be stricken. For the reasons set forth below, the Court OVERRULES Defendants’ objection.

The relevant background on this issue is as follows. In its pretrial order, the Court ordered the parties to file and serve their final witness lists by no later than November 8, 2013. (Doc. 64 at 16.) Plaintiff filed and served a witness list on November 8, 2013. (Doc. 79.) However, two days later, on November 10, 2013, Plaintiff filed and served an amended witness list, the list now in dispute. (Doc. 91.) The difference between Plaintiff’s first witness list and Plaintiff’s amended witness list is that in the latter Plaintiff added one witness: Mike Signorile. (Id. at ¶ 27.)

1 The Court will, in the interest of justice, allow Plaintiff to proceed on his amended witness list.
2 First, Mike Signorile is a significant witness to Plaintiff's case. Indeed, the Court denied Defendants
3 summary judgment based primarily on Mike Signorile's deposition testimony. Second, it appears that
4 Plaintiff's omission of Mike Signorile was a simple mistake. Plaintiff promptly corrected his mistake,
5 and there is no indication that Plaintiff acted in bad faith. Third, and most importantly, Defendants
6 will not be prejudiced. Defendants were fully aware that Mike Signorile would be a part of Plaintiff's
7 case and are fully prepared for his testimony. Given these circumstances, the Court declines to strike
8 Plaintiff's amended witness list.

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19 IT IS SO ORDERED.

20 Dated: November 13, 2013

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE