

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

**ROBERTO M. GARCIA, JR.,**

**Plaintiff**

**v.**

**MATTHEW M. JUAREZ, JR.,**

**Defendant**

**CASE NO. 1:12-cv-00750-AWI-EPG (PC)**

**SECOND SUPPLEMENTAL PRETRIAL  
ORDER**

**Motions In Limine Hearing:  
September 18, 2017  
1:30 PM, Courtroom 2**

**Trial Confirmation:  
November 20, 2017  
1:30 PM, Courtroom 2**

**Trial: December 5, 2017  
8:30 AM, Courtroom 2**

The first pretrial conference was held on January 18, 2017. Trial was set for March 28, 2017. A pretrial order and a supplemental pretrial order were issued. Docs. 138 and 140. The trial date was vacated as the parties attempted to settle the case. A second pretrial conference was held on July 11, 2017 to deal with rescheduling the trial and associated dates. Both parties have sought to make substantive changes to the existing pretrial orders but were unable to come to an agreement about them; instead, they filed competing pretrial statements that made it unclear exactly what changes were agreed upon. Docs. 177 and 178. Thus, the parties will be required to seek amendment of the existing pretrial orders by formal motion.

Each party is to file a motion to amend setting out the text they seek to add and the text they seek to delete and the basis for the requested change. Each party must file an opposition that

1 details which changes are objected to and which changes are not objected to. Each party will also  
2 be required to file a reply that responds to the opposition. The parties may also stipulate at the  
3 outset as to the changes they can agree on to focus on the areas of disagreement.  
4

5 The existing pretrial orders are supplemented to reflect these new dates and deadlines:  
6

7 The parties must confer to premark and examine exhibits by August 10, 2017.

8 Motions to amend the pretrial order and motions in limine should be filed by 4:00 PM on  
9 August 17, 2017. Oppositions to those motions should be filed by 4:00 PM on August 31, 2017.  
10 Replies to the oppositions should be filed by 4:00 PM on September 7, 2017. The hearing for  
11 those motions will be held at 1:30 PM on September 18, 2017.

12 Trial briefs should be filed by 4:00 PM on August 31, 2017. Responding briefs may be  
13 filed by 4:00 PM on September 7, 2017.

14 Proposed jury instructions and verdict forms should be filed by 4:00 PM on September 7,  
15 2017.

16 Plaintiff must provide the physical location of each inmate witness by 4:00 PM on October  
17 3, 2017 so that the appropriate transportation writs may be issued.

18 Plaintiff must notify the court whether any of the inmate witnesses will be testifying via  
19 video conference by 4:00 PM on October 19, 2017.

20 The trial confirmation hearing will be held at 1:30 PM on November 20, 2017.

21 The final witness lists should be filed by 4:00 PM on November 28, 2017.

22 The lists of discovery documents to be used at trial should be filed by 4:00 PM on  
23 November 28, 2017. Parties must ensure that all discovery documents to be used are lodged by  
24 4:00 PM on November 28, 2017.

25 The exhibit binders are due 4:00 PM on November 28, 2017.

26 Any videotape to be used at trial and any available transcript of the videotape must be  
27 lodged by 4:00 PM on November 28, 2017.

28 Any proposed voir dire questions should be filed by 4:00 PM on November 28, 2017.

1 A joint agreed summary of the case should be lodged by 4:00 PM on November 28, 2017.

2 The trial is set for 8:30 AM on December 5, 2017.

3  
4 IT IS SO ORDERED.

5 Dated: July 26, 2017

  
\_\_\_\_\_  
6 SENIOR DISTRICT JUDGE