

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

MIGUEL A. GONZALEZ-CHAVEZ,	)	Case No.: 1:12-cv-02053 - JLT
	)	
Plaintiff,	)	<u>PRETRIAL ORDER</u>
	)	
v.	)	Deadlines:
	)	
	)	Motions in Limine Filing: 1/7/15
CITY OF BAKERSFIELD, et al.,	)	Oppositions to Motions in Limine: 1/16/15
	)	Hearing on Motions in Limine: 1/30/15, 9:30 a.m.
Defendants.	)	
	)	Trial Submissions: 1/30/15
	)	
	)	Jury trial: 2/9/2015, 4-5 days

Plaintiff Miguel Gonzalez-Chavez alleges Bakersfield Police Officers Christopher Messick and Dean Barthelmes are liable “for the use of excessive force and/or unlawful search and seizure” in violation of the Fourth Amendment. (Doc. 1 at 6.) Upon consideration of the Joint Pre-Trial Conference Statement filed on December 3, 2014 (Doc. 38); the parties’ comments at the hearing on December 10, 2014; and the file in this case, the Court issues the following Pre-Trial Order.

**A. JURISDICTION/ VENUE**

The Court has jurisdiction over the action pursuant to 28 U.S.C. §§ 1331 and 1343 (Doc. 1 at 2; Doc. 38 at 2.) Further, Plaintiff’s claims arise out of events that occurred in Bakersfield, California. Accordingly, venue is proper in the United States District Court for the Eastern District of California sitting in Bakersfield. *See* 28 U.S.C. § 1391.

1 **B. JURY TRIAL**

2 Plaintiff included a demand for jury trial in his Complaint. (Doc. 1 at 1; Doc. 38 at 2). Thus,  
3 trial will be by jury.

4 **C. UNDISPUTED FACTS**

- 5 1. The incident upon which the action is premised occurred on or about December 4, 2011.  
6 2. Defendants Messick and Barthelmes were at all times duly appointed and acting  
7 officers of the Bakersfield Police Department and acting under the color of law.

8 **D. DISPUTED FACTS**

9 All other facts are disputed.

10 **E. DISPUTED EVIDENTIARY ISSUES**

11 None identified at this time.

12 **F. SPECIAL FACTUAL INFORMATION**

13 None.

14 **G. RELIEF SOUGHT**

15 Plaintiff seeks general damages, special damages, punitive damages, prejudgment interest, post-  
16 judgment interest pursuant to 28 U.S.C. §1961(a), attorney’s fees and costs, and “further relief as the  
17 Court deems just and proper.” (Doc. 38 at 5.) Defendants seek dismissal of the action and an award of  
18 attorneys’ fees and costs under 42 U.S.C. §§ 1988 and 1927 and Local Rules 292 and 293. (*Id.* at 6.)

19 **H. POINTS OF LAW**

20 **1. Violations of the Fourth Amendment**

21 The Fourth Amendment prohibits the use of excessive force and arrests without probable cause  
22 or other justification. *See Graham v. Connor*, 490 U.S. 386, 388 (1989) (“claim[s] that law  
23 enforcement officials used excessive force in the course of making an arrest, investigatory stop, or  
24 other ‘seizure’ ... are properly analyzed under the Fourth Amendment’s ‘objective reasonableness’  
25 standard”); *see also Chew v. Gates*, 27 F.3d 1432, 1440 (9th Cir. 1994) (“the use of force to effect an  
26 arrest is subject to the Fourth Amendment’s prohibition on unreasonable seizures”). The Supreme  
27 Court explained,

28 As in other Fourth Amendment contexts . . . the “reasonableness” inquiry in an excessive  
force case is an objective one: the question is whether the officers’ actions are

1 “objectively reasonable” in light of the facts and circumstances confronting them, without  
2 regard to their underlying intent or motivation. An officer’s evil intentions will not make  
3 a Fourth Amendment violation out of an objectively reasonable use of force; nor will an  
4 officer’s good intentions make an objectively unreasonable use of force constitutional.

4 *Graham*, 490 U.S. at 396-97 (internal citations omitted).

5 In applying this standard, the fact-finder considers “the totality of the circumstances and . . .  
6 whatever specific factors may be appropriate in a particular case.” *Bryan v. MacPherson*, 630 F.3d 805,  
7 826 (9th Cir. 2010). Thus, factors to be considered in evaluating whether the force used was reasonable  
8 include “the severity of the crime at issue, whether the suspect poses an immediate threat to the safety  
9 of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by  
10 flight.” *Graham*, 490 U.S. at 396 (citing *Tennessee v. Garner*, 471 U.S. 1, 8-9 (1985)). Further, the fact  
11 finder may consider “whether officers administered a warning, assuming it was practicable.” *George v.*  
12 *Morris*, 736 F.3d 829, 837-38 (9th Cir. 2013) (citing *Scott v. Harris*, 550 U.S. 372, 381-82 (2007)).  
13 Ultimately, the “reasonableness” of the actions “must be judged from the perspective of a reasonable  
14 officer on the scene, rather than with the 20/20 vision of hindsight.” *Graham*, 490 U.S. at 396.

15 **2. Punitive damages**

16 Plaintiff has the burden of proving what, if any, punitive damages should be awarded by a  
17 preponderance of the evidence. NINTH CIRCUIT MODEL CIVIL JURY INSTRUCTIONS § 5.5  
18 (2009). The jury must find that the defendant’s conduct is “motivated by evil motive or intent, or . . .  
19 involves reckless or callous indifference to the federally protected rights of others.” *Smith v. Wade*, 461  
20 U.S. 30, 56 (1986); *see also Larez v. Holcomb*, 16 F.3d 1513, 1518 (9th Cir. 1994).

21 **I. ABANDONED ISSUES**

22 Plaintiff has abandoned his *Monell* claim, and the City of Bakersfield has been dismissed as a  
23 defendant from this action. (Docs. 33-34.)

24 **J. WITNESSES**

25 The following is a list of witnesses that the parties expect to call at trial, including rebuttal and  
26 impeachment witnesses. NO WITNESS, OTHER THAN THOSE LISTED IN THIS SECTION,  
27 MAY BE CALLED AT TRIAL UNLESS THE PARTIES STIPULATE OR UPON A SHOWING  
28 THAT THIS ORDER SHOULD BE MODIFIED TO PREVENT “MANIFEST INJUSTICE.” Fed. R.

1 Civ. P. 16(e); Local Rule 281(b)(10).

2 **Plaintiff anticipates calling the following witnesses:**

- 3 1. Martha Balandran
- 4 2. Hilarie Owens
- 5 3. Juanita Nations
- 6 4. Candace Munoz
- 7 5. Teri Harless
- 8 6. Thomas Degenhardt, MD
- 9 7. Andrea Snow
- 10 8. Laura E. Parker
- 11 9. Evan Tobin
- 12 10. Paul Mroz
- 13 11. Armondo Larzaro
- 14 12. Gabriel Trujillo
- 15 13. Roger Clark
- 16 14. Charles Sherman
- 17 15. Christina Hackleman
- 18 16. Justin Bytrus
- 19 17. Miguel Gonzalez-Chavez
- 20 18. Miguel Murrillo
- 21 19. Oscar Castillo
- 22 20. Helmuth Achtman
- 23 21. Jeff Burdick
- 24 22. Christopher Peck
- 25 23. Christopher Messick
- 26 24. Dean Barthelmes

27 **Defendants anticipate calling the following witnesses:**

- 28 1. Acuna, Johnny

- 1           2.     Ahdalgo, Felipe Jr.
- 2           3.     Alonso, Linda
- 3           4.     Achtman, Helmuth
- 4           5.     Barthelmes, Dean
- 5           7.     Burdick, Jeffrey
- 6           8.     Byrtus, Justin
- 7           10.    Castellon, Sandra Maria
- 8           11.    Castillo, Oscar
- 9           12.    Chavira, Eduardo Landeros
- 10          13.    Cope, Curtis J.
- 11          14.    Degenhardt, Thomas M.D.
- 12          15.    Dossey, Richard
- 13          16.    Doyle, Brandon
- 14          17.    Gonzalez-Chavez, Miguel
- 15          18.    Hackleman, Christina
- 16          19.    Hashemi, Saeed
- 17          20.    Huene, Donald M.D.
- 18          21.    Jacquez, Christopher
- 19          22.    Lazaro, Armando
- 20          23.    Juana A. Magana/Records Custodian Star Staffing
- 21          24.    McIrvin, Timothy
- 22          25.    McNinch, Travis
- 23          26.    Messick, Christopher
- 24          27.    Moreno, Esmeralda
- 25          28.    Mroz, Paul M.D.
- 26          29.    Murillo Lua, Miguel
- 27          30.    Parker, Laura M.D.
- 28          31.    Peck, Christopher

- 1 32. Rubin, Christina
- 2 33. Sherman, Charles
- 3 34. Smith, Jamie R.N
- 4 35. Snow, Andrea M.D.
- 5 36. Soto, Kimberly
- 6 37. Tobin, Evan M.D.
- 7 38. Trujillo, Gabriel
- 8 39. Vesslin, Vassilev M.D.

9 **K. EXHIBITS, SCHEDULES AND SUMMARIES**

10 The following is a list of documents or other exhibits that the parties expect to offer at trial.  
11 NO EXHIBIT, OTHER THAN THOSE LISTED IN THIS SECTION, MAY BE ADMITTED  
12 UNLESS THE PARTIES STIPULATE OR UPON A SHOWING THAT THIS ORDER SHOULD BE  
13 MODIFIED TO PREVENT “MANIFEST INJUSTICE.” Fed. R. Civ. P. 16(e); Local Rule 281(b)(11).

14 **Plaintiff’s Exhibits**

- 15 1. Photographs of Plaintiff
- 16 2. Exhibits attached to deposition of Curtis Cope
- 17 3. Exhibits attached to deposition of Dean Barthelmes
- 18 4. Exhibits attached to deposition of Christopher Messick
- 19 5. Exhibits attached to deposition of Jeff Burdick
- 20 6. Exhibits attached to deposition of Charles Sherman
- 21 7. Exhibits attached to deposition of Helmuth Achtman
- 22 8. Exhibits attached to deposition of Christopher Peck
- 23 9. Exhibits attached to deposition of Thomas Degenhardt
- 24 10. Medical records from Kern Medical Center
- 25 11. Medical records from orthopedic surgeon Thomas Degenhardt
- 26 12. Recorded statement of Plaintiff
- 27 13. Bakersfield Police Department Policy Manual
- 28 14. Defendants’ training records

- 1 15. Walmart surveillance video
- 2 16. Recorded statement of Miguel Murillo
- 3 17. Photos of Walmart Parking lot
- 4 18. Deposition transcripts
- 5 19. Discipline records

6 **Defendants' Exhibits**

- 7 1. Photographs of the plaintiff;
- 8 2. Photographs of the incident scene;
- 9 3. Photographs of items at the scene including but not limited to the subject vehicle and  
10 open containers in the subject vehicle;
- 11 4. Photographs of vehicle damaged in "fight";
- 12 3. Interview of Miguel Murillo Lua;
- 13 4. Surveillance video from Walmart;
- 14 5. Excerpts from Kern County Medical Center records;
- 15 6. Excerpts from Santa Rosa Orthopedics Medical Group records;
- 16 7. Excerpts from Santa Rosa Family Health records;
- 17 8. Excerpts from Hall Ambulance records;
- 18 9. Excerpts from Star Staffing records;
- 19 10. Excerpts from Santa Rosa Community Health Center records;
- 20 11. 911calls/Radio Transmissions;
- 21 12. Aerial maps of area;
- 22 13. Exhibit A to deposition of Christina Hackleman;
- 23 14. Exhibit B to deposition of Christina Hackleman;
- 24 15. Exhibit 1-4 to Deposition of Oscar Castillo;
- 25 16. Exhibit 1-6, 7-9 to Deposition of Miguel Murillo;
- 26 17. Bakersfield Police Department Policies;
- 27 18. Excerpts of the file of Jeff Cope; and
- 28 19. Excerpts of the file of Donald Huene, M.D.

1 On or before **January 16, 2015**, counsel **SHALL** meet and confer to discuss any disputes  
2 related to the above listed exhibits and to pre-mark and examining each other's exhibits.

3 1. At the exhibit conference, counsel will determine whether there are objections to the  
4 admission of each of the exhibits and will prepare separate indexes; one listing joint exhibits, one  
5 listing Plaintiff's exhibits and one listing Defendant's exhibits. In advance of the conference, counsel  
6 must have a complete set of their proposed exhibits in order to be able to fully discuss whether  
7 evidentiary objections exist. Any exhibit not previously provided in discovery SHALL be provided at  
8 least five court days in advance of the exhibit conference.

9 2. At the conference, counsel shall identify any duplicate exhibits, i.e., any document  
10 which both sides desire to introduce into evidence. These exhibits **SHALL** be marked as a joint  
11 exhibit and numbered as directed above. Joint exhibits **SHALL** be admitted into evidence without  
12 further foundation.

13 All Joint exhibits will be pre-marked with numbers preceded by the designation "JT" (e.g.  
14 JT/1, JT/2, etc.). Plaintiff's exhibits will be pre-marked with numbers beginning with 1 by the  
15 designation PX (e.g. PX1, PX2, etc.). Defendant's exhibits will be pre-marked with numbers  
16 beginning with 501 preceded by the designation DX (e.g. DX501, DX502, etc.). The Parties **SHALL**  
17 number each page of any exhibit exceeding one page in length (e.g. PX1-1, PX1-2, PX1-3, etc.).

18 If originals of exhibits are unavailable, the parties may substitute legible copies. If any  
19 document is offered which is not fully legible, the Court may exclude it from evidence.

20 Each joint exhibit binder shall contain an index which is placed in the binder before the  
21 exhibits. The index shall consist of a column for the exhibit number, one for a description of the  
22 exhibit and one column entitled "Admitted in Evidence" (as shown in the example below).

### 23 INDEX OF EXHIBITS

24 EXHIBIT#	DESCRIPTION	ADMITTED IN EVIDENCE
-------------	-------------	-------------------------

25  
26 3. As to any exhibit which is not a joint exhibit but to which there is no objection to its  
27 introduction, the exhibit will likewise be appropriately marked, i.e., as PX1, or as DX501 and will be  
28



1 indexed as such on the index of the offering party. Such exhibits will be admitted upon introduction  
2 and motion of the party, without further foundation.

3 4. Each exhibit binder shall contain an index which is placed in the binder before the  
4 exhibits. Each index shall consist of the exhibit number, the description of the exhibit and the three  
5 columns as shown in the example below.

6 **INDEX OF EXHIBITS**

7 <b>EXHIBIT#</b>	<b>DESCRIPTION</b>	<b>ADMITTED IN EVIDENCE</b>	<b>OBJECTION FOUNDATION</b>	<b>OTHER OBJECTION</b>
-------------------	--------------------	---------------------------------	---------------------------------	----------------------------

8  
9 5. On the index, as to exhibits to which the only objection is a lack of foundation, counsel  
10 will place a mark under the column heading entitled “Admissible but for Foundation.”

11 6. On the index, as to exhibits to which there are objections to admissibility that are not  
12 based solely on a lack of foundation, counsel will place a mark under the column heading entitled  
13 “Other Objections.”

14 After the exhibit conference, each counsel **SHALL** develop four complete, legible sets of  
15 exhibits. Counsel **SHALL** deliver three sets of their exhibit binders to the Courtroom Clerk and  
16 provide one set to opposing counsel, no later than 4:00 p.m., on **January 30, 2015**. Counsel **SHALL**  
17 determine which of them will also provide three sets of the joint exhibits to the Courtroom Clerk.

18 7. The Parties **SHALL** number each page of any exhibit exceeding one page in length.

19 **L. DISCOVERY DOCUMENTS**

20 The following is a list of discovery documents – portions of depositions, answers to  
21 interrogatories, and responses to requests for admissions – that the parties expect to offer at trial.  
22 **NO DISCOVERY DOCUMENT, OTHER THAN THOSE LISTED IN THIS SECTION, MAY BE**  
23 **ADMITTED UNLESS THE PARTIES STIPULATE OR UPON A SHOWING THAT THIS ORDER**  
24 **SHOULD BE MODIFIED TO PREVENT “MANIFEST INJUSTICE.”** Fed. R. Civ. P. 16(e); Local  
25 Rule 281(b)(12). If counsel anticipates that he/she may wish to publish any particular discovery  
26 request/response to the jury, counsel should be prepared with redacted copies<sup>1</sup> of discovery

27  
28 <sup>1</sup> Counsel should have at least two extra copies of the redacted version for review by the Court and opposing counsel before publication is allowed.

1 request/response so that only the discovery request/response (with objections redacted) at issue will be  
2 published to the jury. No unredacted discovery requests/responses will be shown to the jury.

3 **Plaintiff anticipates offering the following discovery documents at trial:**

- 4 1. Defendants' response to Request to Produce 1.
- 5 2. Defendants' response to Request to Produce 2.
- 6 3. Defendants' Objections to Second Amended Notice of Videotaped Deposition of  
7 Person Most Qualified.
- 8 4. Defendants' Amended Objections to Second Amended Notice of Videotaped  
9 Deposition of Person Most Qualified.
- 10 5. Stipulation and Order for Physical Examination of Plaintiff Miguel Gonzalez-Chavez.

11 **Defendant anticipates offering the following discovery documents at trial:**

- 12 1. Plaintiff's Responses to Special Interrogatories, Set One, propounded by Barthelmes.
- 13 2. Plaintiff's Responses to Special Interrogatories, Set One, propounded by Messick.
- 14 3. Plaintiff's Responses to Special Interrogatories, Set One, propounded by the City of  
15 Bakersfield.
- 16 4. Plaintiff's Amended Responses to Special Interrogatories, Set One, propounded by  
17 Barthelmes.
- 18 5. Plaintiff's Amended Responses to Special Interrogatories, Set One, propounded by  
19 Messick.
- 20 6. Plaintiff's Amended Responses to Special Interrogatories, Set One, propounded by the  
21 City of Bakersfield.
- 22 7. Plaintiff's Responses to Request for Production of Documents, Set One, propounded by  
23 City of Bakersfield, Christopher Messick and Dean Barthelmes.
- 24 8. Plaintiff's Amended Responses to Request for Production of Documents, Set One,  
25 propounded by City of Bakersfield, Christopher Messick and Dean Barthelmes.

26 If either party wishes to rely upon discovery documents or deposition transcripts at trial, they  
27 SHALL lodge the original discovery requests and responses and/or the original or certified copy of the  
28 pertinent transcripts, no later than **January 30, 2015**. If the proffering party wishes the jury to view

1 the discovery document, only the request and response at issue may be visible on the page(s) and all  
2 extraneous material must be redacted or the request and the response re-typed on a clean page.

3 **M. MOTIONS IN LIMINE**

4 Any party may file motions in limine. The purpose of a motion in limine is to establish in  
5 advance of the trial that certain evidence should not be offered at trial. “Although the Federal Rules of  
6 Evidence do not explicitly authorize in limine rulings, the practice has developed pursuant to the  
7 district court’s inherent authority to manage the course of trials.” *Luce v. United States*, 469 U.S. 38,  
8 40 n. 2 (1984); *Jonasson v. Lutheran Child and Family Services*, 115 F. 3d 436, 440 (7th Cir. 1997).  
9 The Court will grant a motion in limine, and thereby bar use of the evidence in question, only if the  
10 moving party establishes that the evidence clearly is not admissible for any valid purpose. *Id.*

11 **In advance of filing any motion in limine, counsel SHALL meet and confer to determine**  
12 **whether they can resolve any disputes and avoid filing motions in limine. Along with their**  
13 **motions in limine, the parties SHALL file a certification demonstrating counsel have in good**  
14 **faith met and conferred and attempted to resolve the dispute. Failure to provide the**  
15 **certification may result in the Court refusing to entertain the motion.**

16 All motions in limine must be served on the other party, and filed with the Court, by **January**  
17 **7, 2015**. The motion must clearly identify the nature of the evidence that the moving party seeks to  
18 prohibit the other side from offering at trial. Any opposition to the motion must be served on the other  
19 party, and filed with the Court, by **January 16, 2015**. The Court sets a hearing on the motions in  
20 limine on **January 30, 2015** at 9:30 a.m. Appearances via Courtcall are authorized.

21 The parties are reminded they may still object to the introduction of evidence during trial.

22 **N. STIPULATIONS**

23 None at this time.

24 **O. AMENDMENTS/ DISMISSALS**

25 The parties do not identify any further or amendments or dismissals at this time.

26 **P. SETTLEMENT NEGOTIATIONS**

27 The parties participated in a Settlement Conference on November 20, 2014. (Doc. 38 at 14.)  
28 The action was not settled, and it appears the parties’ positions remain unchanged.

1 **Q. AGREED STATEMENT**

2 None at this time.

3 **R. SEPARATE TRIAL OF ISSUES**

4 None

5 **S. ISSUES RELATED TO EXPERTS**

6 None.

7 **T. ATTORNEYS' FEES**

8 Plaintiff seeks attorneys' fees and costs, pre- and post-judgment interest and "any further relief  
9 as the Court sees just and fit." (Doc. 38 at 14.) Defendants seek attorneys' fees under 42 U.S.C. §§  
10 1988 and 1927.

11 **U. TRIAL DATE/ ESTIMATED LENGTH OF TRIAL**

12 Jury trial is set for **February 9, 2015**, at 8:30 a.m. before the Honorable Jennifer L. Thurston at  
13 the United States Courthouse, 510 19<sup>th</sup> Street, Bakersfield, California. Trial is expected to last no  
14 longer than 3-7 days.

15 **V. TRIAL PREPARATION AND SUBMISSIONS**

16 **1. Trial Briefs**

17 The parties are relieved of their obligation under Local Rule 285 to file trial briefs. If any party  
18 wishes to file a trial brief, they must do so in accordance with Local Rule 285 and be filed on or before  
19 **January 30, 2015.**

20 **2. Jury Voir Dire**

21 The parties are required to file their proposed voir dire questions, in accordance with Local  
22 Rule 162.1, on or before **January 30, 2015.**

23 **3. Statement of the Case**

24 The parties SHALL file a joint non-argumentative, brief statement of the case which is suitable  
25 for reading to the jury at the outset of jury selection on or before **January 30, 2015.**

26 **4. Jury Instructions**

27 The parties shall serve, via e-mail or fax, their proposed jury instructions in accordance with  
28 Local Rule 163 and their proposed verdict form on one another no later than **January 7, 2015.** The

1 parties shall conduct a conference to address their proposed jury instructions and verdict form no later  
2 than **January 16, 2015**. At the conference, the parties **SHALL** attempt to reach agreement on jury  
3 instructions and verdict form for use at trial. The parties shall file all agreed-upon jury instructions and  
4 verdict form no later than **January 30, 2015**, and identify such as the agreed-upon jury instructions  
5 and verdict forms. At the same time, the parties **SHALL** lodge via e-mail a copy of the joint jury  
6 instructions and joint verdict form (in Word format) to JLTOOrders@caed.uscourts.gov.

7 **If and only if, the parties after genuine, reasonable and good faith effort** cannot agree upon  
8 certain specific jury instructions and verdict form, the parties shall file their respective proposed  
9 (disputed) jury instructions and proposed (disputed) verdict form no later than **January 30, 2015**, and  
10 identify such as the disputed jury instructions and verdict forms. **Along with their disputed**  
11 **instructions, the parties SHALL file a certification demonstrating counsel have in good faith met**  
12 **and conferred and attempted to resolve the dispute. Failure to provide the certification may**  
13 **result in the Court refusing to consider the disputed instruction or verdict form.** At the same  
14 time, the parties **SHALL** lodge via e-mail, a copy of his/their own (disputed) jury instructions and  
15 proposed (disputed) verdict form (in Word format) to JLTOOrders@caed.uscourts.gov.

16 In selecting proposed instructions, the parties shall use Ninth Circuit Model Civil Jury  
17 Instructions or California's CACI instructions to the extent possible. All jury instructions and verdict  
18 forms shall indicate the party submitting the instruction or verdict form (i.e., joint, plaintiff's,  
19 defendant's, etc.), the number of the proposed instruction in sequence, a brief title for the instruction  
20 describing the subject matter, the complete text of the instruction, and the legal authority supporting  
21 the instruction. Each instruction **SHALL** be numbered.

22 **W. OBJECTIONS TO PRETRIAL ORDER**

23 Any party may, within 10 days after the date of service of this order, file and serve written  
24 objections to any of the provisions set forth in this order. Such objections shall clearly specify the  
25 requested modifications, corrections, additions or deletions.

26 **X. MISCELLANEOUS MATTERS**

27 None.

28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**Y. COMPLIANCE**

Strict compliance with this order and its requirements is mandatory. All parties and their counsel are subject to sanctions, including dismissal or entry of default, for failure to fully comply with this order and its requirements.

IT IS SO ORDERED.

Dated: December 10, 2014

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE