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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF CALIFORNIA
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8 JOHNATHAN HILL,

9 Plaintiff,

10 vs.

11 C/O J. CLARK and

12 C/O A. RIVAS,

13 Defendants.
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1:13-cv-00386-EPG-PC

SCHEDULING ORDER FOLLOWING
TRIAL CONFIRMATION HEARING
HELD ON NOVEMBER 20, 2015

NEW DATES:

Motions in Limine Deadline: January 13, 2016

**Opposition to Motions in
Limine Deadline: January 27, 2016**

**Motions in Limine Hearing: February 3, 2016 at
10:00 a.m.
Courtroom 10**

Other Pretrial Submissions: February 17, 2016

**Jury Trial: April 12, 2016, at 8:30 a.m. in
Courtroom 10 (EPG)**

20 Plaintiff, Jonathan Hill (“Plaintiff”), is a state prisoner proceeding *pro se* and *in forma*
21 *pauperis* with this civil rights action pursuant to 42 U.S.C. § 1983. The parties have consented
22 to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c), for all further proceedings
23 including trial and entry of judgment.¹
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26 ¹ On July 31, 2015, defendants Clark and Rivas consented to the jurisdiction of a Magistrate
27 Judge under 28 U.S.C. § 636(c). (ECF No. 42.) On August 5, 2015, Plaintiff consented to the jurisdiction of a
28 Magistrate Judge under 29 U.S.C. § 636(c). (ECF No. 43.) On August 10, 2015, due to consent by the parties,
this case was reassigned to Magistrate Judge Gary L. Austin for all further proceedings. (ECF No. 45.) On
October 13, 2015, due to the retirement of Magistrate Judge Austin, this case was reassigned from Magistrate
Judge Austin to Magistrate Judge Erica P. Grosjean. (ECF No. 51.)

1 The case proceeds on the original Complaint filed by Plaintiff on March 18, 2013,
2 against defendant Correctional Officer (C/O) J. Clark for use of excessive force, and defendant
3 C/O A. Rivas for failure to protect Plaintiff, in violation of the Eighth Amendment.² (ECF No.
4 1.) On June 17, 2015, the Court issued the Second Scheduling Order, setting the case for trial
5 to commence on January 5, 2016. (ECF No. 37.) The parties have filed pretrial statements,
6 and on November 3, 2015, the Court issued a Pretrial Order. (ECF No. 57.)

7 On November 19, 2015 at 9:30 a.m., a trial confirmation hearing was held before
8 Magistrate Judge Erica P. Grosjean in Courtroom 10. Plaintiff appeared telephonically on his
9 own behalf, and Deputy Attorney General Joanna B. Hood appeared telephonically on behalf of
10 defendants. Aida S. Macedo, Esq., personally appeared as prospective counsel for Plaintiff.
11 The hearing was concluded early due to a fire alarm at the Attorney General's Office, and was
12 resumed on November 20, 2015 at 11:30 a.m.

13 Following discussion, the trial was continued to April 12, 2016, at 8:30 a.m. in
14 Courtroom 10 before Judge Grosjean. The deadline for submission of motions in limine and
15 defendants' motion for bifurcation of punitive damages was scheduled for January 13, 2015.
16 Responses to motions in limine and defendants' bifurcation motion are now due on January 27,
17 2015. A hearing on motions in limine and the bifurcation issue was scheduled for February 3,
18 2016 at 10:00 a.m. in Courtroom 10 before Judge Grosjean.

19 Other pretrial submissions are now due on February 17, 2016, including trial briefs, if
20 any, sample verdict forms, jury instructions, voir dire questions, a shared neutral statement of
21 the case, and submission and exchange of the parties' trial exhibits. The parties should submit
22 a stipulation by February 17, 2016, if any, that defendants Clark and Rivas were acting under
23 color of state law at the time of the events at issue in this case, as well as any stipulations about
24 authenticity of documents.³

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26 ² On January 24, 2014, the Court issued an order dismissing all other claims and defendants from
27 this action for failure to state a claim. (ECF No. 17.) The Court's order dismissed defendants C/O L. Aragon, C/O
28 A. Tirado, C/O J. Magana, Sergeant W. Rasley, C/O Flores, and the Doe Defendants from this action based on
Plaintiff's failure to state any claims upon which relief may be granted against them under § 1983. (Id.)

³ If the parties so stipulate, the jury will not need to decide this issue at trial.

