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5 **UNITED STATES DISTRICT COURT**
6 **EASTERN DISTRICT OF CALIFORNIA**
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8 **ESPERANZA BOOKE, individually and**
9 **as personal representative of the Estate of**
10 **Charles Salinas,**

11 **Plaintiffs**

12 **v.**

13 **JASON BOUST, et al ,**

14 **Defendants**

CASE NO. 1:13-CV-00586-AWI-SAB

ORDER SETTING NEW DATES

15 On June 9, 2015, the Court held a telephonic conference with the parties. As a result of
16 that conference, the June 16, 2015 trial date was vacated. The parties were in agreement that,
17 given the Court's trial schedule and the schedules of counsel, a new trial date in February 2016
18 was preferable. As reflected in the minute order issued today, the new trial date will be February
19 2, 2016.
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21 Additionally, a June 12, 2015 hearing date was vacated during the telephonic conference.
22 The hearing on June 12 was meant to address jury instructions, the verdict form, whether
23 Plaintiff's expert Dr. Douglas Johnson should be limited or excluded, and whether all of the heirs
24 of Charles Salinas need to be added as plaintiffs to this suit. The Court wishes to resolve these
25 issues, especially issues regarding jury instructions and verdict form, in advance of trial.
26 Therefore, the Court will reset the June 12 hearing to Thursday, December 3, 2015 at 10:00 a.m. in
27 Courtroom No. 2.
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1 Finally, in the course of briefing the various outstanding issues, Plaintiff indicated that she
2 no longer wishes to pursue claims for assault, battery, and California Civil Code § 52.1. Plaintiff
3 has submitted a new verdict form and withdrawn several requested jury instructions. The Court
4 will require the parties to continue to meet and confer regarding jury instructions and verdict
5 forms. The parties will inform the Court of any additional agreements that can be reached with
6 respect to jury instructions and verdict form as soon as possible. If the parties cannot agree upon
7 an acceptable verdict form, the parties will each file new proposed verdict forms with the Court no
8 later than November 9, 2015. As part of the proposed verdict form, the parties will include an
9 explanation as to why their respective form is preferable to their opponent's form.
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12 Accordingly, IT IS HEREBY ORDERED that:

- 13 1. Trial in this matter is RESET to February 2, 2016 at 8:30 a.m. in Courtroom No. 2;
- 14 2. The June 12, 2015 hearing date is RESET to December 3, 2015 at 10:00 a.m.;
- 15 3. The parties shall continue to meet and confer regarding the jury instructions, verdict form,
16 and any other outstanding issues; and
- 17 4. If no agreement can be reached, the parties shall each submit proposed verdict forms no
18 later than November 9, 2015.
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21 IT IS SO ORDERED.

22 Dated: June 9, 2015

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24 SENIOR DISTRICT JUDGE
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