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2 **UNITED STATES DISTRICT COURT**  
3 **EASTERN DISTRICT OF CALIFORNIA**  
4

5 **GINA CARUSO,**

6 **Plaintiff**

7 **v.**

8 **OFFICER G. SOLORIO, et al.,**

9 **Defendants**

**CASE NO. 1:15-CV-0780 AWI EPG**

**ORDER REGARDING PLAINTIFF'S  
OBJECTIONS TO THE PRE-TRIAL  
ORDER AND ORDER CORRECTING  
PRE-TRIAL ORDER *NUNC PRO TUNC***

(Doc. No. 241)

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11 On April 20, 2020, the Court issued a pre-trial order in this matter. See Doc. No. 241. The  
12 pre-trial order contains a deadline in which to file objections. See id. On April 30, 2020, Plaintiff  
13 filed timely objections in which she objects to two aspects of the pre-trial. See id.

14 First, Plaintiff objects to the description of her Exhibit No. 70. See id. The pre-trial order  
15 identifies the exhibit as the “Report of Neurosurgery by Dr. Frank Yoo, dated 9/12/17.” Plaintiff  
16 explains that she inadvertently failed to also identify the document attached to the neurosurgery  
17 report and requests that Exhibit 70 be identified as “Report of Neurosurgery by Dr. Frank Yoo,  
18 dated 9/12/17, and Discharge Summary.” This is not really an objection, it is merely an  
19 identification of an error made during the pre-trial statement process. Nevertheless, as Plaintiff  
20 represents that the Discharge Summary is essentially part of Dr. Yoo’s report, the Court will grant  
21 Plaintiff relief and identify Exhibit 70 as requested.<sup>1</sup>

22 Second, Plaintiff objects that Section 20 of the pre-trial order (entitled “Attorney’s Fees”)  
23 has an incorrect hourly rate listed. See id. The pre-trial order identifies \$152 as the hourly rate,  
24 but the pre-trial statement noted an hourly rate of \$228. See id. Upon review, Plaintiff is correct.  
25 The hourly rate identified in the joint pre-trial statement is \$228. Therefore, the Court will order  
26 Section 20 to be corrected to reflect that the hourly rate identified is \$228, not \$152.

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28 <sup>1</sup> The Court reminds the parties that the mere fact that the pre-trial order now identifies Exhibit 70 as including a  
Discharge Summary does not make either Exhibit 70 as a whole or the Discharge Summary in particular admissible  
*per se.*

**ORDER**

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's objections (Doc. No. 241) are SUSTAINED;
2. The pre-trial order (Doc. No. 239) is CORRECTED *NUNC PRO TUNC* as follows:
  - a. At Page 25 Line 28, the line shall now read as follows: "70. Report of Neurosurgery by Dr. Frank Yoo dated 9/12/17, and Discharge Summary"; and
  - b. At Page 29 Line 14, the line shall now read as follows: "work performed at \$228 per hour)."

IT IS SO ORDERED.

Dated: May 5, 2020

  
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SENIOR DISTRICT JUDGE