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

CYNTHIA RIVERA-MARTINEZ and
ARTURO MARTINEZ,

Plaintiffs,

v.

KERN COUNTY; KERN COUNTY
DEPARTMENT OF HUMAN SERVICES;
SOCIAL WORKER STEPHANIE MEEK,
individually; and DOES 1 through 100,
inclusive,

Defendants.

Case No.: 1-16-cv-00062-SEH

ORDER

On December 7, 2017, the Court conducted a hearing on Plaintiffs' Notice of Motion and Motion for Relief from Order; Memorandum of Points and Authorities and Declaration of Counsel in Support Thereof ("Motion for Relief") (Doc. No. 197).

Upon the record made at the hearing

ORDERED:

1. Plaintiffs' Motion for Relief (Doc. No. 197) is GRANTED in part as stated in this Order.
2. The trial of the case set for December 11, 2017, is VACATED.
3. Plaintiffs shall identify, designate, submit and file a written report of a proposed

1 expert witness to replace Julian J. Dominguez, deceased, on or before **January 12, 2018**,
2 completed in strict compliance with each and all of the requirements of Fed R. Civ. P. 26(a)(2)(B)
3 and paragraph 5 of the Court's Order of April 14, 2017, including:

- 4 a. A separate statement of each opinion to be offered.
- 5 b. Specific identification of and source citations to the record
6 to facts or data considered, referenced, or relied upon by
7 the witness in forming the each of the opinions expressed.
- 8 c. A separate statement of the bases and reasons for each of
9 the opinions.

10 Expert reports are to be complete, comprehensive, accurate, and
11 tailored to the issues on which the expert is expected to testify. An
12 inadequate report or disclosure may result in exclusion of the expert's
13 opinions at trial even if the expert has been deposed. (Doc. No. 53).

14 4. Defendants shall have to and including **February 16, 2018**, in which to take and
15 complete the deposition of Plaintiffs' replacement expert.

16 5. Defendants shall have to and including **March 16, 2018**, in which to file any
17 supplemental expert disclosures and reports necessary or appropriate as required by Fed. R. Civ.
18 P. 26(e)(1) or by Order of the Court.

19 6. Each party shall have to and including **March 30, 2018**, in which to file motions in
20 limitations and supporting briefs directed to: (1) issues related to the qualifications of each expert
21 witness expected to be called to testify at trial; (2) the subject matter or matters about which the
22 witness is expected to testify at trial; and (3) the opinions the witness is expected to offer at trial.
23 Response briefs shall be due on or before **April 13, 2018**. An optional reply brief may be filed on
24 or before **April 27, 2018**. A hearing on the matters will be set by further order of the Court.

25 7. The Court will take up and address such other and further pretrial matters as may
26 be necessary and appropriate for the Court's consideration upon completion of the discovery
27 referenced in paragraphs 3-5 above, including: (1) submission, briefing, and resolution of motions
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1 in limitation in response to the report and deposition of Plaintiffs' replacement expert; (2)
2 submission, briefing, and resolution of any other and supplemental motions in limitation; (3)
3 submission of a revised pretrial order, revised witness lists, revised lists of exhibits, revised trial
4 briefs, revised jury instructions, and revised forms of verdict.

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6 8. The Court will schedule and conduct a telephone conference with counsel after
7 March 16, 2018, to establish a revised pretrial schedule for the filing of any appropriate pretrial
8 motions, a revised pretrial order, revised witness lists, revised lists of exhibits, revised trial briefs,
9 revised jury instructions, and revised forms of verdict.


10 9. The parties shall meet and confer and endeavor to reach agreement on matters and
11 issues related to responsibility for payment of additional discovery and trial preparation costs
12 associated with Plaintiffs' granted-in-part Motion for Relief. A report from counsel of the results
13 of the meet and confer shall be filed on or before **January 12, 2018**.

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15 10. Counsel are also apprised that the Court will take up and address prior to trial, on
16 its own motion if necessary, all issues relating to Defendants' claimed defense of qualified
17 immunity that may be capable of pretrial resolution.

18 11. The Court will issue such other and further orders as may be necessary to consider
19 any other case-related issues that may be capable of address and resolution in advance of trial.

20 12. All counsel are on notice that the Court intends to reset the case for trial at the
21 earliest date feasible.

22
23 DATED this 8th day of December, 2017.

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26 SAM E. HADDON
27 United States District Judge
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