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

OSCAR LUNA, et al.,
 Plaintiffs,

 v.

COUNTY OF KERN, et al.,
 Defendants.

Case No.: 1:16-cv-00568 DAD JLT

ORDER AFTER INFORMAL TELEPHONIC
CONERENCE RE DISCOVERY DISPUTE

On May 11, 2017, the Court held an informal telephonic conference (Doc. 68) regarding a dispute over whether the plaintiff’s expert, Mr. Ely, properly supplemented his expert report and, if so, whether it was timely. The purpose of the conference was to determine whether a compromise could be reached that would obviate the need for a formal motion; it was readily apparent that there was no such compromise possible. As a result, the Court authorized the filing of the motion but indicated it would give further instruction as to the format of the motion. Therefore, the Court

ORDERS:

1. The defendants are authorized to file a motion to challenge the “supplementation” made by Mr. Ely and whether the plaintiff will be entitled to rely upon this evidence at trial;
2. The motion **SHALL** conform to Local Rule 251(c). Thus, the defendants **SHALL** file a notice of motion **no later than May 15, 2017** and both sides **SHALL** cooperate in filing a joint statement re: discovery disagreement at least 14 days before the hearing date;

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3. In the joint statement both sides **SHALL** address whether the motion may be heard as a motion in limine;

4. Counsel **SHALL** set the motion on **June 6, 2017** before Judge Dale A. Drozd. **The Court reserves the right to hear the motion as a motion in limine and to hear it at the same time it hears any other motions in limine.**

IT IS SO ORDERED.

Dated: May 11, 2017

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE