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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ABEL P. REYES,

Plaintiff,

v.

M. FLORES,

Defendant.

Case No. 1:16-cv-00586-CDB (PC)

**ORDER REGARDING MOTIONS IN
LIMINE AND PRETRIAL DOCUMENTS**

Motions in Limine Filing Deadline: **June 5, 2023**

Oppositions to Motions in Limine Filing
Deadline: **June 19, 2023**

Exchange of Trial Exhibits Deadline:
June 12, 2023

Submission of Trial Exhibits Deadline:
July 12, 2023

Trial Documents Submission Deadline:
July 21, 2023

Plaintiff Abel P. Reyes is a state prisoner, proceeding with counsel, in this action brought pursuant to 42 U.S.C. § 1983. Plaintiff is represented by Donald A. Lancaster, Jr. Defendant is represented by Deputy Attorney General Matthew Roman.

I. INTRODUCTION

The action proceeds against Defendant M. Flores on a claim of deliberate indifference to serious medical needs. The pretrial conference is scheduled for **July 18, 2023**, with trial commencing **August 2, 2023**. (*See* Doc. 162.)

1 Following the parties' inability to reach a settlement following the recent settlement
2 conference (Doc. 168), the Court sets the following schedule and deadlines.

3 **II. MOTIONS IN LIMINE**

4 Prior to filing any pretrial motions in limine, the parties' counsel SHALL meet and confer
5 in an effort to reach agreement on and otherwise narrow disputed evidentiary issues. Motions in
6 limine SHALL be directed to pretrial rulings only as to evidentiary issues of genuinely material
7 import, keeping in mind that routine evidentiary issues can be resolved with a conference among
8 the Court and counsel during the course of trial. If this Court perceives that the parties have filed
9 motions in limine without meaningfully meeting and conferring, this Court may strike the
10 motions in limine.

11 The parties, after meaningful meet and confer efforts, SHALL file and serve any
12 genuinely disputed motions in limine **no later than June 5, 2023**. All motions by each party
13 SHALL be consolidated in a single document and referred to by motion number. Any response to
14 motions in limine shall be filed **no later than June 19, 2023**. The Court will hear argument on
15 the motions at the pretrial conference on July 18, 2023, unless the Court decides the motions are
16 suitable for disposition without oral argument. Moving and opposition papers must be brief,
17 succinct, and well-organized.

18 **III. TRIAL EXHIBITS**

19 The original and two (2) copies of all trial exhibits, along with exhibit lists, shall be
20 submitted to Courtroom Deputy Susan Hall **no later than July 12, 2023**. The parties shall also
21 serve one (1) copy of all trial exhibits, along with their exhibit list, on each other no later than
22 **June 12, 2023**. This includes any demonstrative evidence the parties intend to use. Plaintiff's
23 exhibits shall be pre-marked with the prefix "PX" and numbered sequentially beginning with 100
24 (e.g., PX-100, PX-101, etc.). Defendant's exhibits shall be pre-marked with the prefix "DX" and
25 numbered sequentially beginning with 200 (e.g., DX-200, DX-201, etc.). Exhibits which are
26 multiple pages shall be marked with page numbers in addition to the prefix and exhibit number,
27 on each page of the exhibit (e.g., PX-100, page 1 of 2, PX-100, page 2 of 2 etc.). Defendant's
28 exhibits shall also be separated by tabs. **The parties are required to meet and confer, by**

1 **telephone or other means, to agree upon and identify their joint exhibits, if any.** Joint
2 exhibits shall be pre-marked with the prefix “JT” and numbered sequentially beginning with 1
3 (e.g., JT-1, JT-2, etc.) and shall also be submitted to Courtroom Deputy Susan Hall **no later than**
4 **July 12, 2023.**

5 **IV. TRIAL DOCUMENTS**

6 *Trial Briefs*

7 The parties are relieved of their obligation under Local Rule 285 to file a trial brief. If the
8 parties wish to submit a trial brief, they must do so on or before **July 21, 2023.**

9 *Verdict Form(s)*

10 The Court will prepare the verdict form(s), which the parties will have an opportunity to
11 review on the morning of trial. If the parties wish to submit a proposed verdict form or forms,
12 they must do so on or before **July 21, 2023.**

13 *Jury Instructions*

14 The parties shall submit proposed jury instructions, in accordance with Local Rule 163, no
15 later than **July 21, 2023.** The Court will prepare the jury instructions, which the parties will have
16 the opportunity to review on the morning of trial.

17 The parties shall use Ninth Circuit Model Civil Jury Instructions to the extent possible.
18 Ninth Circuit Model Jury Instructions SHALL be used where the subject of the instruction is
19 covered by a model instruction. Otherwise, BAJI or CACI instructions SHALL be used where the
20 subject of the instruction is covered by BAJI or CACI. All instructions shall be short, concise,
21 understandable, and neutral and accurate statements of the law. Argumentative or formula
22 instructions will not be given and must not be submitted. Quotations from legal authorities
23 without reference to the issues at hand are unacceptable.

24 The parties shall, by italics or underlining, designate any modification of instructions from
25 statutory or case authority, or any pattern or form instruction, such as the Ninth Circuit Model
26 Jury Instructions, BAJI, CACI, or any other source of pattern instructions. The parties must
27 specifically state the modification made to the original form instruction and the legal authority
28 supporting the modification.

1 The Court will not accept a mere list of numbers of form instructions from the Ninth
2 Circuit Model Jury Instructions, CACI, BAJI, or other instruction forms. The proposed jury
3 instructions must be in the form and sequence which the parties desire to be given to the jury.

4 All blanks to form instructions must be completed. Irrelevant or unnecessary portions of
5 form instructions must be omitted.

6 ***Proposed Voir Dire***

7 Proposed voir dire questions, if any, shall be filed no later than **July 21, 2023**.

8 ***Statement of the Case***

9 The parties may serve and file a non-argumentative, brief statement of the case which is
10 suitable for reading to the jury at the outset of jury selection no later than **July 21, 2023**. The
11 Court will consider the parties' statement but will draft its own statement. The parties will be
12 provided with an opportunity to review the Court's prepare statement on the morning of trial.

13 **V. USE OF ELECTRONIC EQUIPMENT IN COURTROOM**

14 Any party wishing to receive an overview or tutorial of the Court's electronic equipment
15 must contact the Courtroom Deputy Susan Hall at shall@caed.uscourts.gov at least three (3)
16 weeks before the start of trial to schedule a tutorial session at a time convenient to the Court. The
17 parties need to coordinate so everyone who is interested can attend the IT conference, the Court
18 will hold only one conference per case. The parties and counsel shall confer and advise the
19 Courtroom Deputy of the date and time that has been agreed upon. Counsel will not be provided
20 any training on the day of or during the course of the trial.

21 The electronic equipment and resources available for this trial may differ from the
22 equipment and resources available in other courtrooms and may even differ from the equipment
23 and resources available in this courtroom at another time. It is the responsibility of the parties to
24 familiarize themselves with the equipment and resources available for use in this trial prior to the
25 commencement of trial. If any party is unfamiliar with the equipment and resources available for
26 use in this trial, that party may be ordered to proceed without the aid of such equipment and
27 resources and/or may be sanctioned for any fees, costs or expenses associated with any delay.

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VI. REMINDER: JOINT PRETRIAL STATEMENT

As previously ordered (*see* Doc. 162), the parties shall file a joint pretrial statement in compliance with Local Rule 281 on or before **July 7, 2023**. A copy of the statement shall also be emailed in Word format to CDBorders@caed.uscourts.gov.

IT IS SO ORDERED.

Dated: April 27, 2023


UNITED STATES MAGISTRATE JUDGE