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2 **UNITED STATES DISTRICT COURT**  
3 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

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5 **WEST PACIFIC ELECTRIC COMPANY**  
6 **CORPORATION,**

7 **Plaintiff,**

8 **v.**

9 **DRAGADOS/FLATIRON, a joint venture, et**  
10 **al.,**

11 **Defendants.**

**1:18-CV-00166 LJO BAM**

**ORDER VACATING PRETRIAL**  
**CONFERENCE AND TRIAL DATES**

12 This complex dispute between contractors involved with excavation work required to install  
13 utilities for a major California infrastructure project is set for a pretrial conference on January 21, 2020,  
14 before the undersigned. Trial is set for March 17, 2020, after the undersigned’s planned retirement date  
15 (last day on the bench is Friday, January 31, 2020). In late October 2019, one party filed an overlength  
16 and highly complex motion for summary judgment (“MSJ”), involving almost 100 pages of briefing  
17 and well over a thousand pages of attachments and associated documentation. Although the  
18 undersigned endeavors to decide civil motions on a first-come-first-serve basis, criminal trials must be  
19 prioritized over civil matters pursuant to statute. In light of the ongoing, extraordinary lack of judicial  
20 resources in this District, and despite diligent efforts of the undersigned and staff, there presently are  
21 more than 15 civil motions (or groups of motions) ahead in “line” relative to the pending MSJ in this  
22 case, all of which are important to the parties involved. At the same time, this Court has nine criminal  
23 jury trials set during the month of January 2020, all confirmed to go forward. Accordingly, the Court  
24 does not believe it is realistic (or even physically possible) for it to rule on the pending MSJ prior to  
25 January 21, 2020.

1 Even if the pending MSJ were not a factor, upon the undersigned's retirement, it appears highly  
2 likely that there will be only one active district judge sitting in the Fresno Division of the Eastern  
3 District of California until replacement judges are appointed and confirmed, the timing of which is  
4 entirely uncertain. So long as that state of affairs remains, it is likely that any and all available dates for  
5 trial in this Division will be occupied by criminal proceedings. Accordingly, the likelihood that this case  
6 will go to trial presided over by a District Judge in March of 2020 approaches zero.

7 In light of the above, the Court VACATES the pretrial and trial dates in this case. The parties are  
8 directed to meet and confer to discuss whether they desire the Court to set a new trial date in late 2020,  
9 with the understanding that any civil trial set before a District Judge within the foreseeable future  
10 effectively is contingent upon whether new judges are appointed and confirmed to the Eastern District.  
11 Alternatively, the Court can delay setting a new trial date until the pending MSJ is decided. At that time,  
12 if the judicial resource situation has changed, it may be possible to provide a firmer trial date. If the  
13 parties elect the former, they are directed to propose at least two mutually acceptable trial dates. The  
14 parties shall inform the Court of their election by sending an email to ljoorders@caed.uscourts.gov as  
15 soon as possible but no later than January 8, 2020.

16 As this Court has emphasized for more than a year in advance of the undersigned's planned  
17 retirement, the parties are encouraged to contact the offices of Senators Feinstein and Harris, as well as  
18 Special Counsel to the President at the White House, to express any concerns and frustrations they may  
19 have regarding timely access to justice in civil matters.

20  
21 IT IS SO ORDERED.

22 Dated: December 13, 2019

/s/ Lawrence J. O'Neill  
UNITED STATES CHIEF DISTRICT JUDGE