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## (PROPOSED) ORDER AMENDING PRETRIAL ORDER

This matter comes on the joint stipulation and request of Dragados Flatiron JV (and its sureties) and West Pacific Electric Company Corporation (collectively, the "Parties") to amend the Pretrial Order that was entered by the Court on January 6, 2023 ("PTO"). Dkt. 121. Based on the joint stipulation of the Parties and finding good cause to prevent manifest injustice appearing, the Court hereby orders that the PTO be amended in the following respects:

- 1. The February 22, 2023 bench trial on Phase 1A is **VACATED**.
- 2. With the parties agreeing to waive jury, the bench trial of the Phase 1A and Phase 1B issues will proceed as a five court day bench trial commencing April 18, 2023 and ending April 22, 2023.<sup>1</sup>
- 3. Counsel are advised that unless otherwise ordered by the Court, the Court's typical trial day will run from 8 a.m. through 1:30 p.m., with no lunch break but with two extended rest breaks. Counsel SHALL schedule their witnesses to avoid waste of time.
- 4. The exhibit exchange deadline stated in PTO Section L(3) is moved from January 25, 2023 to March 20, 2023.
- 5. The exhibit binder deadline stated in PTO Section L(13) is moved from February 16, 2023 to no later than 4:00 p.m., on Tuesday, April 11, 2023. Except as amended by this order, the PTO shall control the subsequent course of this action.

IT IS SO ORDERED.

Dated: **January 26, 2023** 

UNITED STATES DISTRICT JUDGE

<sup>&</sup>lt;sup>1</sup> Previously, the trial was scheduled to commence April 17, 2023. Due to a change in the Court's criminal calendar schedule, all trials before the undersigned now commence on Tuesdays.