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

10 PATRICK GARCIA,  
11 Plaintiff,

12 v.

13 PRAXAIR, INC.,  
14 Defendant.  
15

Case No. 1:18-cv-01493-SAB

FIRST AMENDED PRETRIAL ORDER

Trial Date:  
August 24, 2021 at 9:00 a.m. in Courtroom 9  
(SAB) (Jury Trial) (5-7 days)

16 Patrick Garcia (“Plaintiff”) brings this employment discrimination action against Praxair,  
17 Inc. (“Praxair” or “Defendant”).<sup>1</sup> The Court previously issued a pretrial order on November 16,  
18 2020, however, a trial date was not set. (ECF No. 51.) Thereafter, the Court adjudicated the  
19 parties’ motions *in limine*. (ECF No. 57.) On February 12, 2021, a video status hearing was  
20 held to address the trial of this matter. (ECF No. 60.) Counsel Tom Duckworth and Dena  
21 Narbaitz appeared for Plaintiff Patrick Garcia. Counsel Tanja Darrow and Vanessa Cohn  
22 appeared for Defendant Praxair. At the status hearing, the Court set a new trial and pretrial  
23 conference date. Pursuant to Federal Rule of Civil Procedure 16(e) and Local Rule 283, the  
24 Court issues this first amended pretrial order further setting the pretrial deadlines.

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28 <sup>1</sup> The parties have consented to the jurisdiction of the United States Magistrate Judge and has been assigned to the undersigned for all purposes. (See ECF Nos. 9, 10, 11.)

1           **I. TRIAL AND PRETRIAL CONFERENCE**

2           A trial in this matter will begin on **Tuesday, August 24, 2021**, at **9:00 a.m.** before United  
3 States Magistrate Judge Stanley A. Boone in Courtroom 9. The trial will be by jury. The jury  
4 will consist of eight jurors with each side having three preemptory strikes. The parties estimate  
5 the trial will take five to seven days.

6           A pretrial conference is set for **June 25, 2021, at 9:30 a.m.** before United States  
7 Magistrate Judge Stanley A. Boone in Courtroom 9.

8           **II. DISPUTED EVIDENTIARY ISSUES AND MOTIONS *IN LIMINE***

9           On January 5, 2021, the Court issued an order adjudicating the parties' motions *in limine*.  
10 (ECF No. 57.) Where applicable, the parties are directed to refer to the January 5, 2021 order  
11 and its discussion and adjudication of the evidentiary issues in the initial pretrial order, and  
12 specifically, to where the Court denied certain motions *in limine* without prejudice to renewal at  
13 trial.

14           **III. PRE TRIAL FILING DEADLINES**

15           The parties shall file and serve their final witness list no later than **August 17, 2021**. No  
16 later than **July 27, 2021**, the parties shall exchange their proposed exhibits to the extent they  
17 have not done so. The parties' counsel shall meet and conduct an exhibit conference no later  
18 than **August 3, 2021**, to pre-mark and examine trial exhibits and to prepare exhibit lists. No later  
19 than **August 17, 2021**, the parties shall file and serve their final exhibit list and pre-marked  
20 exhibits.<sup>2</sup>

21           The parties shall file and serve a list of all responses to discovery requests intended to be  
22 used at trial no later than **August 17, 2021**. If a party seeks to admit a physical copy of the  
23 discovery responses into evidence at trial, the discovery responses must be pre-marked as an  
24 exhibit in the manner described in the pretrial order issued on November 16, 2020. (ECF No. 51  
25 at 28.) Alternatively, if the party intends to read relevant portions of the discovery responses into  
26 evidence, a copy of the discovery responses must be lodged with the Court no later than **August**

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27 <sup>2</sup> The initial pretrial order specified the exhibits were to be prepared in physical binders. (ECF No. 51 at 20.) The  
28 Court notifies the parties that it may transition to electronic presentation of exhibits, and if so, the Court will later  
order the parties relieved from the obligation to provide binders to the court and opposing counsel.

1 **17, 2021.**

2 Deposition testimony shall be designated by page and line number, with such designation  
3 to be **filed and served no later than August 10, 2021.** Any counter-designation as to the same  
4 designation (also set out by page and line number) shall be **filed and served no later than**  
5 **August 17, 2021.** The original certified transcript of any deposition identified in a designated or  
6 counter-designation shall be lodged with the clerk’s office **no later than August 17, 2021,** if not  
7 previously lodged with the Court.

8 Trial briefs shall be filed and served no later than **August 17, 2021.**<sup>3</sup>

9 The parties shall serve their proposed jury instructions on each another no later than  
10 **August 4, 2021.** The parties must conduct a conference to address their proposed jury  
11 instructions and shall reach agreement on the jury instructions to be given at trial. The parties  
12 shall file their joint proposed jury instructions with the Court no later than **August 17, 2021.**

13 If any party proposes additional jury instructions that are not agreed upon by all parties,  
14 such proposed jury instructions shall be filed with the Court no later than **August 17, 2021.** All  
15 proposed jury instructions shall be e-mailed in Word® format to [saborders@caed.uscourts.gov](mailto:saborders@caed.uscourts.gov)  
16 no later than **August 17, 2021.** No later than **two (2) days following the date of service of**  
17 **proposed instructions,** the parties shall file and serve written objections to any disputed jury  
18 instructions proposed by another party.

19 The parties shall serve their proposed verdict form on one another no later than **August**  
20 **10, 2021,** and shall conduct a conference to address their proposed verdict forms. At the  
21 conference, the parties shall reach an agreement on the verdict form for use at trial. The parties  
22 shall file the joint proposed verdict form, **no later than August 17, 2021.** The joint proposed  
23 verdict form shall also be e-mailed as a Word® attachment to [saborders@caed.uscourts.gov](mailto:saborders@caed.uscourts.gov) no  
24 later than **August 17, 2021.**

25 Proposed *voir dire* questions, if any, shall be filed on or before **August 17, 2021,**  
26 pursuant to Local Rule 162.1(a).

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28 <sup>3</sup> The deadline set for trial briefs set in this order shall supersede the deadline set in Local Rule 285(a).

1 Any changes to the joint neutral statement shall be filed and served no later than **August**  
2 **17, 2021.**

3 The parties must immediately notify the Court of any agreement reached by the parties  
4 which resolves this litigation in whole or in part. Local Rule 160(a). The parties must advise the  
5 Court of settlement immediately, but must do so no later than 4:30 p.m. (Pacific Time) on **the**  
6 **Friday prior to the trial date, August 20, 21.**

7 Any party wishing to receive an overview or tutorial of the Court's electronic equipment  
8 must contact the Courtroom Deputy Clerk Mamie Hernandez at (559) 499-5672 or  
9 mhernandez@caed.uscourts.gov **prior to August 10, 2021**, in order to schedule a tutorial session  
10 at a time convenient to the Court's Information Technology staff.

11 All other aspects of the November 16, 2020 pretrial order, as modified by the Court's  
12 order on the parties' motions *in limine*, remain in effect. (ECF Nos. 51, 57.)

13  
14 IT IS SO ORDERED.

15 Dated: **February 18, 2021**

  
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UNITED STATES MAGISTRATE JUDGE