

1
2
3
4 UNITED STATES DISTRICT COURT
5 FOR THE EASTERN DISTRICT OF CALIFORNIA
6

7 TOM MURPHY,
8 Plaintiff,
9 v.
10 AMAZON.COM, INC.,
11 Defendant.
12

Case No. 1:19-cv-01577-JLT-BAM

**ORDER SETTING PRETRIAL
CONFERENCE AND TRIAL**

Pretrial Conference: January 13, 2023
1:30 p.m.
Courtroom 4 (JLT)

Jury Trial: March 6, 2023
(2-3 days) 8:30 a.m.
Courtroom 4 (JLT)

13
14
15 This Court held a status conference on October 27, 2022. Counsel Michael Ackerman
16 appeared by Zoom video on behalf of Plaintiff Tom Murphy. Counsel Kevin Capuzzi appeared
17 by Zoom video on behalf of Defendant Amaon.com, Inc. The Court sets the remaining
18 schedule for this action.

19 **1. Pretrial Conference**

20 This Court sets a pretrial conference for **January 13, 2023, at 1:30 p.m. in Courtroom 4**
21 **(JLT) and will be heard before United States District Judge Jennifer L. Thurston.** The
22 parties are directed to file a joint pretrial statement which complies with the requirements of
23 this Court's Local Rule 281. In addition, the joint pretrial statement should include a brief
24 factual summary and an agreed upon neutral statement of the case. An additional copy of the
25 joint pretrial statement, carefully prepared and executed by all counsel, shall be electronically
26 filed in CM/ECF and shall be e-mailed in Microsoft Word format to
27 jltorders@caed.uscourts.gov.

28 ///

1 The parties' attention is directed to this Court's Local Rules 281 and 282. The parties
2 must identify all exhibits and witnesses, including those for rebuttal and/or impeachment
3 purposes. No exhibit or witness other than those listed in the joint pretrial statement and
4 included in the Pretrial Order may be used at trial. This Court will insist upon strict compliance
5 with those rules.

6 At the pretrial conference, the Court will set deadlines, among others, to file motions in
7 limine, final witness lists, exhibits, jury instructions, objections, and other trial documents.

8 **2. Trial**

9 A two to three-day jury trial is set for **March 6, 2023, at 8:30 a.m. in Courtroom 4**
10 **(JLT) before United States District Judge Jennifer L. Thurston.**

11 **3. Effect of This Order**

12 This order represents the best estimate of the court and counsel as to the agenda most
13 suitable to dispose of this case. The trial date reserved is specifically reserved for this case. If
14 the parties determine at any time that the schedule outlined in this order cannot be met, counsel
15 are ordered to notify the court immediately of that fact so that adjustments may be made, either
16 by stipulation or by subsequent status conference.

17 The dates set in this Order are considered to be firm and will not be modified absent a
18 showing of good cause even if the request to modify is made by stipulation. Stipulations
19 extending the deadlines contained herein will not be considered unless they are accompanied
20 by affidavits or declarations, and where appropriate, attached exhibits, which establish good
21 cause for granting the relief requested. The failure to comply with this order may result in the
22 imposition of sanctions.

23
24 IT IS SO ORDERED.

25 Dated: October 27, 2022

25 /s/ Barbara A. McAuliffe
26 UNITED STATES MAGISTRATE JUDGE