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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN D. VOTH,

Plaintiff,

No. CIV S-04-2103 LKK GGH P

vs.

T. ALBRIGHT, et al.,

Defendants.

ORDER

The Pretrial Order, filed on June 26, 2009, permitted the parties fifteen (15) days to file any objections thereto. Defendants filed, somewhat belatedly, on July 14, 2009, what they term a “reply” to plaintiff’s objection to the Pretrial Order. The court has no record of plaintiff having filed any objections and the time for doing so has expired.

Within the putative reply no reference is actually made to the substance of any of plaintiff’s would-be objections; instead, defendants seek the court’s indulgence for having mistakenly failed to include defendant Jeffrey Long on their witness list in defendants’ pretrial statement. Although calling the filing a reply to plaintiff’s objection (which objection, as noted, is not in the court’s record) does not transmute the filing into one made timely, the court will grant defendants’ request to include defendant Long as a witness, as he is a party to this action, the omission from defendant’s pretrial statement appears to be inadvertent and the request does

1 not appear to be made in bad faith, nor to the prejudice of plaintiff.

2 Accordingly, IT IS ORDERED that:

3 1. Plaintiff has filed no objections to the Pretrial Order and the time for doing so
4 has expired;

5 2. Defendants' belated request to be allowed to call defendant Deputy Jeffrey
6 Long as a witness at trial, filed on July 14, 2009 (docket # 106), is granted;

7 3. Defendants and/or plaintiff may call defendant Long as a trial witness; and

8 4. This Order serves as a supplement to the Pretrial Order.

9 DATED: July 22, 2009

/s/ Gregory G. Hollows

10 _____
11 GREGORY G. HOLLOWES
12 UNITED STATES MAGISTRATE JUDGE

13 GGH:009
14 voth2103.sup

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