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

RONALD REED,

Plaintiff,

No. 2: 05-cv-0060 JAM KJN P

vs.

B. WILLIAMS, et al.,

Defendants.

ORDER

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On October 13, 2010, the pretrial order was filed. On October 25, 2010, defendants filed objections. On October 26, 2010, plaintiff filed objections. This order addresses the parties' objections to the pretrial order.

The pretrial order directed the parties to exchange exhibits thirty days prior to trial. Defendants state that thirty days prior to trial is Saturday November 13, 2010. Defendants request that the parties be required to serve copies of their exhibits by mail no later than Monday November 8, 2010 to assure that they are timely received. Good cause appearing, the pretrial order is amended to order the parties to mail their exhibits on or before Friday November 12, 2010. This should give the parties sufficient time to review the exhibits prior to trial.

In his objections, plaintiff first objects to the order denying his request to call inmate Larry Lavell as a witness. Plaintiff claims that inmate Lavell would testify that he shared

1 a cell with plaintiff after plaintiff's altercation with inmate Thornton. Plaintiff claims that inmate  
2 Lavell would testify that he heard plaintiff moaning in pain as a result of the injuries inflicted by  
3 inmate Thornton. Plaintiff himself may testify regarding the injuries he suffered. Plaintiff's  
4 request to call inmate Lavell as a witness is again denied.

5           The pretrial order states that it is undisputed that on July 4, 2001, plaintiff was  
6 moved to the cell with inmate Thornton. Plaintiff objects to this undisputed fact on grounds that  
7 he does not recall the exact date on which he was moved to the cell with inmate Thornton. Good  
8 cause appearing, the pretrial order is amended to state that it is undisputed that "on or around  
9 July 4, 2001" plaintiff was housed with inmate Thornton.

10           Plaintiff next objects that the pretrial order incorrectly identifies the inmate with  
11 whom inmate Thornton had an altercation as inmate Welch, P-45365. Plaintiff states that inmate  
12 Thornton had an altercation with inmate Wells whose prison number is P-45465. The court does  
13 not have sufficient information on which to determine whether plaintiff has correctly identified  
14 this inmate. Accordingly, the pretrial order is amended to state that it is undisputed that inmate  
15 Thornton had been placed in ad seg on June 20, 2001, after he was involved in an altercation in  
16 the day room with an inmate.

17           The pretrial order states that plaintiff has listed 46 exhibits in his pretrial  
18 statement. Plaintiff objects that he listed 47 exhibits. Good cause appearing, the pretrial order is  
19 amended to state that plaintiff has 47 exhibits.

20           The pretrial order states that on June 25, 2001, plaintiff was placed in cell 201.  
21 Plaintiff states that on that date he was placed in cell 211. Good cause appearing, the pretrial  
22 order is amended to state that on June 25, 2001, plaintiff was placed in cell 211.

23           Plaintiff next objects to the court order that his inmate witnesses will appear via  
24 videoconferencing. Based on plaintiff's objection, the court will order that plaintiff's inmate  
25 witnesses be transported to court to testify.

26           The pretrial order allowed plaintiff to call inmate Thornton as a witness on


1 grounds that he had personal knowledge regarding whether defendant Moore placed plaintiff in  
2 the cell with him. The pretrial order stated that inmate Thornton's remaining proposed testimony  
3 concerned matters that were undisputed. In his objections, plaintiff contends that he should be  
4 allowed to question inmate Thornton regarding undisputed matters. While the pretrial order did  
5 not preclude plaintiff from questioning inmate Thornton regarding undisputed matters, plaintiff  
6 should raise this objection at trial with the trial judge.

7           The pretrial order states that there are no stipulations. In his objections, plaintiff  
8 states that he interprets this statement, i.e. that there are no stipulations, to mean that he will not  
9 be allowed to present evidence regarding undisputed matters. That there are no stipulations does  
10 not mean that plaintiff is prohibited from presenting evidence regarding undisputed matters,  
11 subject to limitations that may be set by the trial judge.

12           Plaintiff also objects to any order limiting his ability to elicit testimony regarding  
13 inmate Thornton's mental status. This matter should be addressed to the trial judge.

14           Accordingly, IT IS HEREBY ORDERED that the pretrial order is amended in the  
15 manner discussed above.

16 DATED: November 2, 2010

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20 KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

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