

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

INTEGON PREFERRED INSURANCE
CO.

Plaintiff,

vs.

SUSANA ISZTOJKA, d/b/a California
Gold Star Hauling,

Defendant.

FRANCESCA EISENBRANDT;
CONNIE EISENBRANDT; and SCOTT
EISENBRANDT,

Intervenors.

No. 2:07-cv-00526-TMB

ORDER
[Re: Post-Verdict Briefing and
Motions at Docket Nos. 102 and 107]

In the Order at Docket No. 113 the Court left open the issue of the applicability of *Barrera v. State Farm Ins. Co.*^{1/} to this case and, if applicable, which provision of California Law applies. Although, in light of the jury's answers to the questions submitted to it, the Court questions whether *Barrera* applies, the Court will give the parties an opportunity to further brief the issue to the extent that it has not been heretofore briefed. It also appears that all outstanding pretrial motions, to the extent that they have not been heretofore ruled upon, have become moot.

IT IS THEREFORE ORDERED THAT, on or before **March 18, 2011**, the parties are to serve and file briefs addressing:

1. The applicability of *Barrera* to this case;
2. If *Barrera* applies, which provision of the California Vehicle Code, § 16500.5 or § 36431, controls;

^{1/} 456 P.2d 674 (Cal. 1969)

3. Each party may respond to the other party's brief within seven (7) days after the brief is served and filed; and

4. Unless requested by the Court no further reply or response will be permitted.

IT IS FURTHER ORDERED THAT the Motion for Sanctions for Plaintiff Integon's Violation Federal Rule of Civil Procedure Rules 16(f) and 26(e) at Docket No. 102 and Motion to Strike Erratum to Late Filed Pretrial Statement at Docket No. 107 are **DENIED** as moot.

Dated: March 4, 2011

s/ Timothy M. Burgess
TIMOTHY M. BURGESS
United States District Judge