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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

* *

GARY R. THOMAS,

Plaintiff(s),

vs.

J. NEVES, et al.,

Defendant(s),

2:07-cv-1249-RLH-VPC

JUDGE ROGER L. HUNT
ORDER REGARDING TRIAL

1. Attached hereto is a list of the civil and criminal cases that are presently scheduled for the stacked trial calendar before the **Honorable Roger L. Hunt, Chief United States District Judge, at Las Vegas, Nevada**, commencing on **MONDAY, JUNE 21, 2010 at 8:30 a.m.** in Courtroom Number #6C.

2. Counsel for all parties in civil and criminal cases, and all pro se parties, shall appear in Courtroom Number #6C on **WEDNESDAY, JUNE 16, 2010 at 8:45 a.m.** for Calendar Call. Unless a party in a civil case or a defendant in a criminal case is appearing pro se, the individual parties in civil cases and defendants in criminal cases will not be required to appear for Calendar Call unless the Court directs otherwise.

3. Counsel or their clients will be excused from Calendar Call if settlement papers have been filed in a civil case or a defendant's plea of guilty or nolo contendere has been received in a criminal case prior to the date scheduled for Calendar Call.

4. **At Calendar Call**, all cases that remain to be tried will be ranked in order of trial.

1 The Court may also schedule a final Pretrial Conference to address outstanding issues including
2 any Motions *In Limine* that have not been previously ruled upon. Thereafter, the Court will not
3 grant a continuance to any party absent a showing of good cause. Unless the Court otherwise directs,
4 the cases will be tried one after the other on **TWENTY-FOUR (24) HOURS'** notice from the
5 Courtroom Administrator.

6 5. **CHANGE OF PLEA HEARINGS IN CRIMINAL CASES.** Hearings for the purpose
7 of **change of plea** in criminal cases will be set for **CALENDAR CALL** unless otherwise set. It
8 shall be the joint responsibility of counsel for Plaintiff United States and for the Defendant to ensure
9 that the original plea agreement is delivered to Courtroom Administrator, and a copy faxed to
10 chambers at 464-5531 by 4:00 p.m. on the day prior to when the plea of guilty or nolo contendere
11 is to be taken. It shall further be the responsibility of counsel for Plaintiff United States to ensure
12 that any necessary Produce Orders or Writs of Habeas Corpus Ad Prosequendum are timely
13 delivered to the United States Marshal to ensure the presence of all in-custody defendants for change
14 of plea, and to ensure proper notification for the attendance of any court interpreter which may be
15 required for the particular case.

16 6. **WITNESSES.** Counsel and any parties appearing pro se, shall immediately subpoena
17 all witnesses for the time and trial date as listed above. Inasmuch as some cases will be tried in a
18 trailing fashion, the subpoenas should contain a special instruction from counsel directing witnesses
19 to contact the **office of counsel** for further instructions prior to appearing for trial. Witnesses are not
20 required to be present at the Calendar Call.

21 7. **USE OF EVIDENCE DISPLAY EQUIPMENT.** Counsel wishing to utilize the court's
22 evidence display equipment must contact the Courtroom Administrator ***prior to Calendar Call*** to
23 determine its availability and to arrange for training, if needed.

24 8. **EXHIBITS.** At **Calendar Call**, any party appearing pro se shall file with the Courtroom
25 Administrator in every civil and criminal case, ***a complete exhibit list of all exhibits that are intended***
26 ***to be used during the trial.*** **No later than Noon (12:00 p.m.) on the day of Calendar Call** ***counsel***
27 ***shall electronically file their complete exhibit list.*** ***Numerals*** shall be used to identify all exhibits.
28 Plaintiff's exhibits shall be marked 1 through 500. Defendant's exhibits shall be marked 501 through

1 1000. The exhibits list format shall conform to the requirements of the form provided by the
2 Courtroom Administrator or obtained from the Court’s website *www.nvd.uscourts.gov*.

3 **Each exhibit shall be pre-marked with an exhibit sticker.** In any case which involves fifteen or more
4 document exhibits, the pre-marked exhibits shall be placed in a loose-leaf binder behind a tab noting the number of each exhibit and each
5 exhibit shall be pre-marked with an exhibit sticker. The binder shall be clearly marked on the front and side with the case caption and number
6 and the sequence of exhibits. If oversized binders are used, the holes in the documents shall be large-sized so that the pages may be
7 easily turned. At the commencement of trial, counsel shall provide the Courtroom Administrator with the binder containing the
8 exhibits and a courtesy set for the trial judge. *If it is necessary to use more than three binders, the party shall contact the Courtroom*
9 *Administrator **prior to Calendar Call for additional directives.***

10 **9. PROPOSED JURY VOIR DIRE QUESTIONS.** At **Calendar Call**, any party appearing pro se
11 shall file with the Courtroom Administrator an original and one copy of any proposed jury voir dire questions
12 which they request the Court to pose to prospective jurors at the time of jury selection. **No later than Noon**
13 **(12:00 p.m.) on the day of Calendar Call** *counsel shall electronically file* their proposed jury voir dire
14 questions.

15 **10. WITNESS LISTS.** At **Calendar Call**, any party appearing pro se shall file with the
16 Courtroom Administrator a list of witnesses expected to be called. **No later than Noon (12:00**
17 **p.m.) on the day of Calendar Call** *counsel shall electronically file* a list of witnesses expected to
18 be called for use by the Court during jury selection.

19 **11. STATEMENT OF THE CASE.** At **Calendar Call**, any party appearing pro se in a
20 civil case shall file with the Courtroom Administrator a brief statement of the case, no longer than
21 one-half page, stating the nature of the claims and offenses, to be read to prospective jurors at the
22 time of jury selection. **No later than Noon (12:00 p.m.) on the day of Calendar Call** *counsel shall*
23 *electronically file their brief statement of the case.* In a criminal case, a copy of the Indictment,
24 indicating which portions should be read to the jury, should be submitted to the Courtroom
25 Administrator at **Calendar Call**.

26 **12. JURY INSTRUCTIONS IN CRIMINAL CASES.** Counsel are to comply with the
27 “Order Regarding Pretrial Procedure.” **No later than Noon (12:00 p.m.) on the day of Calendar**
28 **Call, counsel are required to electronically file proposed jury instructions and email a copy**

1 **in WordPerfect format to chambers at RLH_Chambers@nvd.uscourts.gov.** The parties are
2 further advised that the undersigned district judge has developed his own “stock” or “general” jury
3 instructions drawn principally from the **Manual of Model Criminal Jury Instructions for the**
4 **Ninth Circuit.** Proposed Instructions submitted by counsel need not include the Court’s “stock”
5 jury instructions.

6 13. **GOVERNMENT’S TRIAL MEMORANDUM.** In all criminal cases, Plaintiff United
7 States shall submit its original **Government’s Trial Memorandum** under seal at **Calendar Call**
8 and shall also provide a reading copy for the court. The Government’s Trial Memorandum shall be
9 served on counsel for Defendant on the date trial commences and will be unsealed and filed by the
10 Court at that time.

11 14. **JURY INSTRUCTIONS IN CIVIL CASES.** In all civil cases to be tried before a jury,
12 counsel and any parties appearing pro se are required to jointly *electronically file* one set of agreed-
13 upon jury instructions and form of verdict **no later than noon (12:00 p.m.) on the day of Calendar**
14 **Call.** To meet this requirement, the parties are required to serve their proposed jury instructions
15 upon each other at least two weeks prior to trial and file those with the Court on the date indicated
16 in the Pretrial Order; and to thereafter confer to arrive at a single set of jointly agreed upon jury
17 instructions. To the extent the parties are unable to agree as to the form of any particular
18 instruction(s), each party shall also file the jury instruction(s) which are not agreed upon together
19 with the respective arguments and authorities of the parties in support thereof.

20 The parties are further advised that the undersigned district judge has developed his own
21 "stock" or "general" jury instructions drawn principally from the **Manual of Model Civil Jury**
22 **Instructions for the Ninth Circuit.** Proposed instructions submitted by counsel need not include
23 the Court’s “stock” instructions. Therefore, the efforts of the parties in preparing the jury
24 instructions in compliance with this Order should be focused on developing special jury
25 instructions which relate to the particular claims and defenses at issue as well as those relating to
26 damages and any special evidentiary matters pertinent to the case. All proposed jury instructions
27 submitted by the parties should be concise, understandable, and neutral statements of law.
28 Argumentative jury instructions are improper, will not be given, and should not be submitted.

1 **Additionally, counsel shall email a copy of all proposed jury instructions in WordPerfect**
2 **format to chambers at RLH_Chambers@nvd.uscourts.gov.**

3 15. **TRIAL BRIEFS, PROPOSED FINDINGS OF FACT AND CONCLUSIONS**

4 **OF LAW.** To the extent they have not already done so in accordance with the Court's Joint
5 Pretrial Order, any party appearing pro se shall file an original and two copies of a trial brief in all
6 civil cases **at Calendar Call. No later than noon (12:00 p.m.) on the day of Calendar call,**
7 *counsel shall electronically file* their trial brief. Additionally, in all civil cases to be tried before the
8 court sitting without a jury, the parties shall electronically file proposed Findings of Fact and
9 Conclusions of Law **no later than noon (12:00 p.m.) on the day of Calendar Call.**

10 16. **EXPEDITED OR DAILY TRANSCRIPTS.** Any party that will require expedited or
11 daily transcripts shall *notify the Court Reporter, Heather Newman, at 702-464-5828* **immediately**
12 **upon receipt of this order.** Failure to timely notify the Reporter may result in the refusal to
13 **provide expedited or daily transcripts.**

14 17. **SANCTIONS.** As provided for under the Local Rules of Practice of this Court, the Court
15 will consider the imposition of sanctions against any attorney or party appearing pro se who: (1) fails
16 to timely file trial briefs, suggested voir dire questions and proposed jury instructions or proposed
17 findings of fact and conclusions of law, whichever is applicable, as prescribed by the Pretrial Order,
18 Order Regarding Pretrial Procedure, Scheduling Order or any order extending the time for such
19 filings; (2) fails to comply with the provisions of this order including, but not limited to, the failure
20 to appear for Calendar Call without first having been excused by the Court or the clerk with the
21 permission of the Court; or (3) fails to timely comply with any other order that schedules deadlines
22 for trial preparation.

23 18. **TRIAL JUDGE.** Although the cases listed on the attached trial calendar are assigned
24 to the undersigned, the cases may proceed to trial before another Nevada district judge or a visiting
25 district judge.

26 19. **CONSENT TO TRIAL BEFORE A MAGISTRATE JUDGE.** All parties in civil
27 actions are reminded of their right, subject to the approval of the undersigned, to consent to trial
28 before a United States Magistrate Judge pursuant to Title 28, United States Code, Section 636(c)(2).

1 The right to proceed before a magistrate judge in a civil case includes those cases which will be tried
2 before a jury as well as those cases to be tried before the Court sitting without a jury. Any appeal
3 from a judgment resulting in a trial before a magistrate judge shall be taken directly to the United
4 States Court of Appeals.

5 19. **CONTACT PERSON.** All questions and information regarding the trial calendar are
6 to be directed to KANDY CAPOZZI, Courtroom Administrator, at 702- 464-5432.

7 20. **THE DATE** of the Clerk's file mark shall constitute the date of this Order.

8
9 IT IS SO ORDERED.

10 Dated: June 8, 2010

/S/ Roger L. Hunt

ROGER L. HUNT, U.S. District Judge

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TRIAL CALENDAR OF THE HONORABLE ROGER L. HUNT, CHIEF UNITED STATES DISTRICT JUDGE,
AT LAS VEGAS, NEVADA, COMMENCING ON **MONDAY, JUNE 21, 2010 AT 8:30 A.M.**, WITH CALENDAR
CALL SET FOR **WEDNESDAY, JUNE 16, 2010 AT 8:45 A.M.**, COURTROOM 6C.

1. 2:09-cr-192-RLH-RJJ UNITED STATES OF AMERICA
vs.
JESUS ISAIAS CASTRO-HERRERA CUSTODY

Jury Trial (Estimated __ Day) 1-Count Indictment:
8 USC § 1326

For Plaintiff:
Robert Bork, AUSA
Christina Brown, AUSA
Kimberly Frayn
388-6336

For Defendant:
Peter Christiansen, Appointed
240-7979

Spanish Interpreter Required

2. 2:09-cr-401-RLH-LRL UNITED STATES OF AMERICA
vs.
WILLIAM SETH POWELL PR BOND
aka Jack Powell

Jury Trial (Estimated __ Day) 5-Count Indictment:
18 USC §§ 1028A(a)(1) and (c)(5)

For Plaintiff:
Kimberly Frayn, AUSA
388-6336

For Defendant:
Michael Cristalli , Retained
386-2180

3. 2:09-cr-518-RLH-LRL UNITED STATES OF AMERICA
vs.
JOSE VINCENTE MARQUEZ-ACOSTA CUSTODY

Jury Trial (Estimated __ Day) 2-Count Indictment:
21 USC §§ 846, 841(a)(1) and (b)(1)(A)(viii)

For Plaintiff:
Pamela Martin, AUSA
388-6336

For Defendant:
Paul Riddle, AFD
388-6577

4. 2:10-cr-111-RLH-RJJ UNITED STATES OF AMERICA
vs.
ANTONIO TEJADA-DAMAZO CUSTODY

Jury Trial (Estimated __ Day) 1-Count Indictment:
8 USC § 1326

For Plaintiff:
Robert Bork, AUSA
An Nguyen, AUSA

For Defendant:
Todd Leventhal, Appointed
384-1990

TRIAL CALENDAR
June 21, 2010

PAGE 2

5. 2:10-cr-161-RLH-LRL

UNITED STATES OF AMERICA
vs.
CARLOS CORDOVA-RIVERA

CUSTODY

Jury Trial (Estimated __ Day)

1-Count Indictment:
8 USC § 1326

For Plaintiff:

Robert Bork, AUSA
An Nguyen, AUSA

For Defendant:

Renee Valladares, AFD
388-6577

Spanish Interpreter Required

6. 2:10-cr-164-RLH-LRL

UNITED STATES OF AMERICA
vs.
JOSE OCHOA-GONZALEZ

CUSTODY

Jury Trial (Estimated __ Day)

1-Count Indictment:
8 USC § 1326

For Plaintiff:

Robert Bork, AUSA
An Nguyen, AUSA
388-6336

For Defendant:

Todd Leventhal, Appointed
384-1990

Spanish Interpreter Required

7. 2:10-cr-167-RLH-PAL

UNITED STATES OF AMERICA
vs.
KORTNEY JOHNSON

PR BOND

Jury Trial (Estimated __ Day)

1-Count Indictment:
18 USC §§ 922(g)(1) and 924(a)(2)

For Plaintiff:

Lucas Foletta, AUSA
388-6336

For Defendant:

Paul Riddle, AFD
388-6577

TRIAL CALENDAR**June 21, 2010****PAGE 3**

8. 2:10-cr-186-RLH-LRL

UNITED STATES OF AMERICA
vs.
GLADYS MCGARRY

PR BOND

Jury Trial (Estimated __ Day)

1-Count Indictment:
18 USC § 501**For Plaintiff:**Lucas Foletta, AUSA
388-6336**For Defendant:**Michael Pariente, Retained
966-5310

9. 2:10-cr-208-RLH-PALUNITED STATES OF AMERICA
vs.
CARLOS ALBERTO SENDEROS

CUSTODY

Jury Trial (Estimated __ Day)

1-Count Indictment:
8 USC § 1326**For Plaintiff:**An Nguyen, AUSA
Robert Bork, AUSA
388-6336**For Defendant:**Brenda Weksler, AUSA
388-6577***Spanish Interpreter Required***

10. 2:07-cv-1249-RLH-VPC

Trial in Sacramento, CA 6/21/2010

GARY R. THOMAS
vs.
J NEVES, et al.,

Jury Trial (Estimated __ Day)

Complaint - 1983 Civil Rights

For Plaintiff:

Gary Thomas, Pro Se

For Defendant:Philip Arthur
916-322-0032

11. 08-cv-1298-RLH-PALJOHN BEESON
vs.
UNITED STATES OF AMERICA

Bench Trial (Estimated __ Day)

Complaint - IRS Tax Refund

For Plaintiff:Thomas Crowe
794-0373**For Defendants:**Andy Camacho
202-307-1481

TRIAL CALENDAR**June 21, 2010****PAGE 4**

12. 2:09-cv-164-RLH-GWF

WACHOVIA BANK, N.A.

vs.

CHAPARRAL CONTRACTING, INC., et al.,

Bench Trial (Estimated __ Day)

Complaint - Breach of Contract

For Plaintiff:Michael Stein
Andrew Sedlock
784-5200**For Defendants:**Chris McCullough
385-7383Jon Field
489-4440

13. 2:09-cv-1946-RLH-LRL

USA COMMERCIAL MORTGAGE CO., et al.,

vs.

Stanley Fulton

Jury Trial (Estimated __ Day)

Bankruptcy Appeal

For Appellant:Allan B Diamond
Michael Yoder
Steven Loden
Jacob Roberts 713-333-5100**For Appellee:**John O'Reilly 382-2500
Tim O'Reilly
Steven Katzman 949-369-3700

Eric Madden 214-389-5300

Rob Charles 949-8320