should issue.

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7	IN THE UNITED STATES DISTRICT COURT
8	FOR THE EASTERN DISTRICT OF CALIFORNIA
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10	MACARIO BELEN DAGDAGAN, ) ) 2:08-cv-00922-GEB-KJN
11	Plaintiff, ) )
12	v. ) <u>SUPPLEMENTAL STATUS (PRETRIAL</u> ) <u>SCHEDULING) ORDER</u>
13	CITY OF VALLEJO, VALLEJO OFFICER ) JOHN BOYD (ID# 589), VALLEJO )
14	OFFICER J. WENTZ (ID# 524), ) VALLEJO OFFICER JAMES MELVILLE, )
15	) Defendants. )
16	)
17	The status (pretrial scheduling) conference scheduled for
18	hearing on August 29, 2011, is vacated since the parties' Joint Statu
19	Report filed on August 15, 2011 ("JSR") indicates the following Orde

## DISCOVERY

The discovery referenced in the JSR shall be completed by February 29, 2012. In this context, "completed" means that all discovery shall have been conducted so that all depositions have been taken and any disputes relative to discovery shall have been resolved by appropriate orders, if necessary, and, where discovery has been ordered, the order has been complied with or, alternatively, the time allowed for such compliance shall have expired.

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1	MOTION HEARING SCHEDULE
2	The last hearing date for motions previously deemed withdrawn
3	shall be October 24, 2011, commencing at 9:00 a.m. <sup>1</sup>
4	Motions shall be filed in accordance with Local Rule 230(b).
5	Opposition papers shall be filed in accordance with Local Rule 230(c).
6	Failure to comply with this local rule may be deemed consent to the
7	motion and the Court may dispose of the motion summarily. Brydges v.
8	Lewis, 18 F.3d 651, 652-53 (9th Cir. 1994). Further, failure to timely
9	oppose a summary judgment motion may result in the granting of that
10	motion if the movant shifts the burden to the nonmovant to demonstrate
11	a genuine issue of material fact remains for trial. <u>Cf.</u> <u>Marshall v.</u>
12	<u>Gates</u> , 44 F.3d 722 (9th Cir. 1995).
13	The parties are cautioned that an untimely motion
14	characterized as a motion in limine may be summarily denied. A motion in
15	limine addresses the admissibility of evidence.
16	FINAL PRETRIAL CONFERENCE
17	The final pretrial conference is set for April 9, 2012, at
18	1:30 p.m. The parties are cautioned that the lead attorney who WILL TRY
19	THE CASE for each party shall attend the final pretrial conference. In
20	addition, all persons representing themselves and appearing <u>in propria</u>
21	persona must attend the pretrial conference.
22	The parties are warned that non-trial worthy issues could be
23	eliminated sua sponte "[i]f the pretrial conference discloses that no
24	material facts are in dispute and that the undisputed facts entitle one

 <sup>27 &</sup>lt;sup>1</sup> This time deadline does not apply to motions for continuances,
 28 temporary restraining orders, emergency applications, or motions under Rule 16(e) of the Federal Rules of Civil Procedure.

1 of the parties to judgment as a matter of law." Portsmouth Square v. 2 S'holders Protective Comm., 770 F.2d 866, 869 (9th Cir. 1985).

The parties shall file a **JOINT** pretrial statement no later 3 than seven (7) calendar days prior to the final pretrial conference. The 4 5 joint pretrial statement shall specify the issues for trial, including a description of each theory of liability and affirmative defense, and 6 7 shall estimate the length of the trial.<sup>2</sup> The Court uses the parties' 8 joint pretrial statement to prepare its final pretrial order and could issue the final pretrial order without holding the scheduled final 9 10 pretrial conference. See Mizwicki v. Helwig, 196 F.3d 828, 833 (7th Cir. 11 1999) ("There is no requirement that the court hold a pretrial 12 conference.").

If possible, at the time of filing the joint pretrial statement counsel shall also email it in a format compatible with WordPerfect to: geborders@caed.uscourts.gov.

## TRIAL SETTING

Trial shall commence at 9:00 a.m. on June 19, 2012.

IT IS SO ORDERED.

Dated: August 26, 2011

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GARLAND E. BURREIL, JR. United States District Judge

27 2 If a trial by jury has been preserved, the joint pretrial 28 statement shall also state how much time each party desires for voir dire, opening statements, and closing arguments.