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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

HAROLD ANTHONY FUNK,
Plaintiff,
v.
TOWN OF PARADISE, et al.,
Defendants.

No. 2:09-cv-01000 MCE-CKD

SCHEDULING ORDER

After reviewing the parties' Status Reports, the Court orders the parties to file summary judgment motions in accordance with the schedule below. Any additional dates and deadlines, including dates for the Phase Two Final Pretrial Conference and Trial, will be set, if necessary, by a Supplemental Scheduling Order following the Court's ruling on summary judgment.

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| Motion for Summary Judgment due | April 23, 2015 |
| Opposition to Motion due | May 14, 2015 |
| Reply to Motion due | May 28, 2015 |
| Hearing on Motion | June 11, 2015, 2:00 p.m., Courtroom 7 |

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1 All purely legal issues are to be resolved by timely pretrial motions. When
2 appropriate, failure to comply with Local Rules 230 and 260, as modified by this Order,
3 may be deemed consent to the motion and the Court may dispose of the motion
4 summarily. With respect to motions for summary judgment, failure to comply with Local
5 Rules 230 and 260, as modified by this Order, may result in dismissal for failure to
6 prosecute (or failure to defend) pursuant to this Court's inherent authority to control its
7 docket and/or Federal Rule of Civil Procedure 41(b). Further, failure to timely oppose a
8 summary judgment motion¹ may result in the granting of that motion if the movant shifts
9 the burden to the nonmovant to demonstrate that a genuine issue of material fact
10 remains for trial.

11 The Court places a page limit for points and authorities (exclusive of exhibits and
12 other supporting documentation) of twenty (20) pages on all initial moving papers, twenty
13 (20) pages on oppositions, and ten (10) pages for replies. All requests for page limit
14 increases must be made in writing to the Court setting forth any and all reasons for any
15 increase in page limit at least seven (7) days prior to the filing of the motion.

16 For the Court's convenience, citations to the Supreme Court Lexis database
17 should include parallel citations to the Westlaw database.

18 The parties are reminded that a motion in limine is a pretrial procedural device
19 designed to address the admissibility of evidence. The Court will look with disfavor upon
20 dispositional motions presented at the Final Pretrial Conference or at trial in the guise of
21 motions in limine.

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27 ¹ The Court urges any party that contemplates bringing a motion for summary judgment or who
28 must oppose a motion for summary judgment to review Local Rule 260.

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The parties are cautioned that failure to raise a dispositive legal issue that could have been tendered to the court by proper pretrial motion prior to the dispositive motion cut-off date may constitute waiver of such issue.

IT IS SO ORDERED.

Dated: March 13, 2015


MORRISON C. ENGLAND, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT