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

TAMARA DUMAS; TAMARA DUMAS; RICK)
DUMAS; KATELIN DUMAS; and)
KIMBERLY DUMAS,)

2:09-cv-01573-GEB-JFM

Plaintiffs,)

ORDER RESTORING CASE TO TRIAL
DOCKET, REQUIRING INFORMATION
ON MINORS' GUARDIAN AD LITEM,
AND DISMISSING DOE DEFENDANTS

v.)

CITY OF ELK GROVE; Elk Grove)
Police Officer CHRISTOPHER DIAZ)
(Badge #127); Elk Grove Police)
Officer ALI KHALIL (Badge #164);)
Elk Grove Police Officer LANCE)
MCDANIEL (Badge #158), Elk Grove)
Police Sergeant WALLY SMITH)
(Badge #23), Elk Grove Police)
Chief ROBERT SIMMONS,)

Defendants.)

This case is restored to the trial calendar since notwithstanding the parties' previous representation that they settled this case, the Joint Status Report the parties filed on October 18, 2010, indicates the parties dispute whether this case is settled. Since most of the discovery in this action should have been completed when certain scheduled dates were vacated in response to the parties' representation that this action settled, and it is unclear how the referenced dispute will be resolved, the following scheduling order issues.

1 No further service, joinder of parties or amendments to
2 pleadings is permitted, except with leave of Court, good cause having
3 been shown. Moreover, the doe defendants are dismissed because of the
4 reasoning indicated in the order setting status conference filed June 8,
5 2009; specifically, absent "specific information" showing the need for
6 doe defendants, "Doe" defendants will be dismissed. (ECF No. 4.)

7 All discovery shall be completed by January 31, 2011. Each
8 party shall comply with Federal Rule of Civil Procedure 26(a)(2)(c)(i)'s
9 initial expert witness disclosure requirements on or before October 29,
10 2010, and any contradictory and/or rebuttal expert disclosure authorized
11 under Rule 26(a)(2)(c)(ii) on or before November 30, 2010. The last
12 hearing date for motions shall be March 7, 2011, at 9:00 a.m. The final
13 pretrial conference is scheduled to commence at 1:30 p.m. on May 9,
14 2011. Trial shall commence at 9:00 a.m. on June 21, 2011.

15 Further, counsel for the minor plaintiffs shall explain in a
16 filing due within seven days of the date on which this order is filed
17 whether each minor plaintiff has been appointed a guardian ad litem in
18 this action.

19 Lastly, since this case has been restored to the trial
20 calendar, the status conference scheduled on November 1, 2010 is
21 vacated.

22 Dated: October 19, 2010

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26 GARLAND E. BURRELL, JR.
27 United States District Judge
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