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

UNITED STATES OF AMERICA,

Plaintiff,

NO. CIV S-09-2445 KJM-EFB

v.

SIERRA PACIFIC INDUSTRIES; et al.,

ORDER

Defendants.

_____ /

Plaintiff filed a proposal regarding the format, page limits, and briefing schedule for *Daubert* motions and motions *in limine* on May 4, 2012. (ECF 460.) Defendants filed their response and counter-proposal on May 8, 2012. (ECF 462.)

Having considered the parties' proposals, and taking into account the court's inherent power to control its docket, *Ready Transp., Inc. v. AAR Mfg., Inc.*, 627 F.3d 402, 404 (9th Cir. 2010) (internal quotations, citations, and alterations omitted), the court ORDERS as follows:

- 1) The court will hear the parties' *Daubert* motions and motions *in limine*, to the extent required after meet and confer sessions, at the final pre-trial conference scheduled for June 14, 2012.

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- 1 2) *Daubert* motions and motions *in limine* shall be filed no later than May 24, 2012.
2 Oppositions, if any, shall be filed no later than June 7, 2012. All filings are
3 subject to the parameters that follow. No replies shall be filed or entertained
4 unless otherwise ordered by the court. As a general rule, the parties' brief
5 arguments at hearing shall serve as their replies.
- 6 3) Plaintiff shall file its *Daubert* motions in one document consisting of an
7 introduction that does not exceed three (3) pages, with no more than three (3)
8 pages per motion. Defendants shall file a joint opposition, if any, consisting of an
9 introduction that does not exceed three (3) pages, with no more than three (3)
10 pages per opposition. The parties shall assume that the court is familiar with
11 *Daubert* generally, without the need to brief the basic *Daubert* standard.
- 12 4) The court anticipates potential duplication among defendants' *Daubert* motions.
13 Accordingly, defendants shall file joint *Daubert* motions in one document
14 consisting of an introduction that does not exceed three (3) pages, with no more
15 than three (3) pages per motion. Plaintiff shall file an opposition, if any,
16 consisting of an introduction that does not exceed three (3) pages, with no more
17 than three (3) pages per opposition. Each defendant¹ shall then file any
18 remaining, separate *Daubert* motions in one document per defendant, omitting an
19 introduction and allocating no more than three (3) pages per motion. Plaintiff
20 shall file oppositions, if any, to each individual defendant's separate *Daubert*
21 motions in one document, omitting an introduction and allocating no more than
22 three (3) pages per motion opposed. Again, the parties shall assume that the

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25 ¹ Howell's Forest Harvesting Co. and Eunice E. Howell are considered to be one
26 defendant for purposes of this order. The landowner defendants are also considered to be one
 defendant for purposes of this order.

1 court is familiar with *Daubert* generally, without the need to brief the basic
2 *Daubert* standard.

3 5) Plaintiff shall file its motions *in limine* in one document, allocating no more than
4 three (3) pages per motion. Defendants shall file a joint opposition, if any, in one
5 document, allocating no more than three (3) pages per motion opposed.

6 6) The court anticipates potential duplication among defendants' motions *in limine*.
7 Accordingly, defendants shall file joint motions *in limine* in one document,
8 allocating no more than three (3) pages per motion. Plaintiff shall file an
9 opposition, if any, in one document, allocating no more than three (3) pages per
10 motion opposed. Each defendant shall then file any remaining, separate motions
11 *in limine* in one document per defendant, allocating no more than three (3) pages
12 per motion. Plaintiff shall file oppositions, if any, to individual defendant's
13 motions *in limine* in one document, allocating no more than three (3) pages per
14 motion opposed.

15 7) Each motion and opposition filed shall be particularized to this case and not
16 merely boilerplate from counsel's store of standardized *Daubert* and *in limine*
17 motions. Moreover, each motion and opposition shall raise only those issues that
18 counsel in good faith determines must be raised in *Daubert* motions and *in limine*
19 and shall not raise issues that can and should be deferred until trial.

20 All counsel are cautioned that failure to comply with any of the above shall result
21 in the court's issuing an order to show cause as to why sanctions should not be imposed and an
22 expedited show cause hearing.

23 IT IS SO ORDERED.

24 DATED: May 11, 2012.

25 
26 UNITED STATES DISTRICT JUDGE