

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

BANK OF AMERICA, N.A.,  
Plaintiff,  
v.  
NIKOLAY YAKIMENKO, ET AL.,  
Defendants.

No. 2:09-cv-02865-MCE-AC

**ORDER CONTINUING TRIAL**

YOU ARE HEREBY NOTIFIED the Bench trial is vacated and continued to **January 12, 2015**, at **9:00 a.m.** in Courtroom 7. The parties shall file trial briefs not later than **October 30, 2014**. Counsel are directed to Local Rule 285 regarding the content of trial briefs.

Accordingly, the November 13, 2014 Final Pretrial Conference is vacated and advanced to **November 12, 2014** at **11:00 a.m.** in Courtroom 7. The Joint Final Pretrial Statement is due not later than **October 23, 2014** and shall comply with the procedures outlined in the Court's Pretrial Scheduling Order. The personal appearances of the trial attorneys or person(s) in pro se is mandatory for the Final Pretrial Conference. Telephonic appearances for this hearing are not permitted.

///

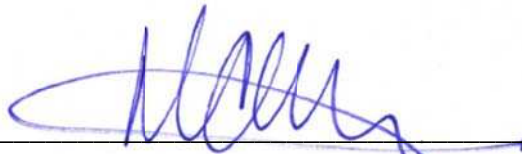
///

1 Any evidentiary or procedural motions are to be filed by **October 23, 2014**.  
2 Oppositions must be filed by **October 30, 2014** and any reply must be filed by  
3 **November 6, 2014**. The motions will be heard by the Court at the same time as the  
4 Final Pretrial Conference.

5 Due to the Court's high civil caseload, the parties are encouraged to consider  
6 consenting to a jury or nonjury trial before the assigned Magistrate Judge<sup>1</sup> as well as  
7 availing themselves of the Court's Alternative Dispute Resolution programs.<sup>2</sup> See E.D.  
8 Cal. Local Rs. 171, 301.

9 IT IS SO ORDERED.

10 DATED: October 14, 2014

11   
12 \_\_\_\_\_  
13 MORRISON C. ENGLAND, JR., CHIEF JUDGE  
14 UNITED STATES DISTRICT COURT  
15  
16  
17

18 \_\_\_\_\_  
19 <sup>1</sup> The Eastern District of California has for years been one of the busiest District Courts in the  
20 nation. The parties are reminded that pursuant to Federal Rule of Civil Procedure 73 and Local Rule 301,  
21 the parties may consent to a jury or nonjury trial before the assigned Magistrate Judge. As a result of the  
22 Court's high civil case load and the statutory right to a speedy trial in criminal cases, the parties are  
23 encouraged to consider the advantages of consenting to Magistrate Judge jurisdiction. Magistrate Judges  
can assign civil litigants a trial date much sooner and with more certainty than District Court Judges. In  
addition, since Magistrate Judges do not try felony cases, a trial date assigned by one can be considered  
a firm date which will not be preempted by a criminal case. Exercise of this jurisdiction by a Magistrate  
Judge is however, permitted only if all parties file a voluntarily consent form. Parties may, without adverse  
substantive consequences, withhold their consent, but this will prevent the Court's case dispositive  
jurisdiction from being exercised by a Magistrate Judge.

24 <sup>2</sup> The Court may, at the election of all the parties, refer certain actions to the Voluntary Dispute  
25 Resolution Program ("VDRP"). If the parties believe that participation in a mediation and/or a settlement  
26 conference with a Magistrate Judge would be beneficial, they are encouraged to contact the Court's  
27 Alternative Dispute Resolution (ADR) Division, in writing, at the address or email address below: ADR  
28 Division, Attention: Sujean Park, U.S. District Court, 501 I Street, Suite 4-200, Sacramento, CA 95814,  
email: spark@caed.uscourts.gov. Alternatively, the parties may request referral to the VDRP by filing a  
Stipulation and Proposed Order reflecting the agreement of all parties to submit the action to the VDRP  
pursuant to Local Rule 271. Should the parties reach a settlement or otherwise resolve their case by  
agreement of the parties, they are reminded that it is the duty of counsel to immediately file a notice of  
settlement or resolution as set forth in Local Rule 160.