

1 than fourteen (14) days prior to the Final Pretrial Conference, the parties are directed to
2 file amended Trial Briefs, not to exceed ten (10) pages, informing the Court of the status
3 of: (1) the issue of Plaintiff Lieu Thi Truong's standing, including, but not limited to,
4 compliance with California Code of Civil Procedure section 377.32 and the determination
5 of her right to proceed; (2) the status of Decedents' Plaintiff siblings as it relates to the
6 issue of their standing in this matter; and (3) the effect of the Plaintiffs' standing, if any,
7 on Plaintiffs' claims, the number of witnesses, and disputed issues at trial. The parties
8 are directed to attach an amended witness list to their filing.

9 The parties are cautioned that the Court may determine that this matter is not
10 ready for trial after hearing argument on the issue of Plaintiffs' standing (including, but
11 not limited to, Plaintiff Lieu Thi Truong's compliance with California Code of Civil
12 Procedure section 377.32 and the determination of her right to proceed). In which case,
13 the trial date may be continued. To the extent that the parties resolve any disputed
14 issues relating to the standing of any or all of the Plaintiffs at any point prior to the Final
15 Pretrial Conference, they may file a stipulation and proposed order as set forth in the
16 Local Rules.

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1 Finally, due to the Court's high civil caseload, the parties are encouraged to
2 consider consenting to a jury or nonjury trial before the assigned Magistrate Judge¹ as
3 well as availing themselves of the Court's Alternative Dispute Resolution programs.²

4 See E.D. Cal. Local Rs. 171, 301.

5 IT IS SO ORDERED.

6 DATED: November 17, 2014

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

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19 ¹ 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 ² 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.