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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SEAN MCENDREE,

Plaintiff,

v.

RASH CURTIS & ASSOCIATES,

Defendant.

No. 2:10-cv-01079-MCE-DAD

ORDER CONTINUING TRIAL

YOU ARE HEREBY NOTIFIED the jury trial is vacated and continued to **March 30, 2015**, at **9:00 a.m.** in Courtroom 7. The parties shall file trial briefs not later than **January 22, 2015**. Counsel are directed to Local Rule 285 regarding the content of trial briefs.

Accordingly, the December 18, 2014 Final Pretrial Conference is vacated and continued to **February 5, 2015**, at **2:00 p.m.** in Courtroom 7. The Joint Final Pretrial Statement is due not later than **January 15, 2015** and shall comply with the procedures outlined in the Court's July 8, 2010 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.

Any evidentiary or procedural motions are to be filed by **January 15, 2015**. Oppositions must be filed by **January 22, 2015** and any reply must be filed by **January**

1 **29, 2015.** The motions will be heard by the Court at the same time as the Final Pretrial
2 Conference.

3 Due to the Court's high civil caseload, the parties are encouraged to consider
4 consenting to a jury or nonjury trial before the assigned Magistrate Judge¹ as well as
5 availing themselves of the Court's Alternative Dispute Resolution programs.² See E.D.
6 Cal. Local Rs. 171, 301.

7 IT IS SO ORDERED.

8 DATED: November 10, 2014



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

18 _____
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.