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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSE B. ORTIZ,
Plaintiff,
v.
J. REYNOLDS, et al.,
Defendants.

No. 2:10-cv-1380-MCE-EFB P

ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. He filed a motion seeking either an extension of time to file objections to the pretrial order or to continue the trial date, stating that he was transferred to a new prison in mid-January and had not yet received his legal property. ECF No. 129. The court directed defense counsel to inquire into the status of plaintiff’s legal property, ECF No. 131, and counsel submitted a response on June 6, 2016, stating that plaintiff had not been given that property until June 1, 2016 due to it having been erroneously shipped to the wrong facility. ECF No. 133.

Because plaintiff was deprived of his legal property until recently and was therefore unable to properly prepare for the upcoming trial, his motion to continue the trial date is granted. He is also granted an extension of time to object to the pretrial order.

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1 Accordingly, it is hereby ORDERED that:

2 1. The jury trial set for August 1, 2016 is hereby VACATED and RESET for November 14,
3 2016, at 9 a.m. in Courtroom No. 7.

4 2. Plaintiff shall have 21 days from the date of this order to file any objections to the Pretrial
5 Order. The court will rule on any objections filed by plaintiff, as well as the objections
6 filed by defendant (ECF No. 125) after that deadline has passed, except that:

7 a. Defendant's objection regarding the exhibits section of the pretrial order is moot in
8 light of the May 17, 2016 Supplemental Pretrial Order (ECF No. 132) and is
9 accordingly overruled; and

10 b. Defendant's objection regarding a proposed statement of the case is moot in light
11 of the May 17, 2016 Supplemental Pretrial Order (ECF No. 132) and is
12 accordingly overruled.

13 3. The deadlines provided in the May 17, 2016 Supplemental Pretrial Order (ECF No. 132)
14 are continued as follows:

15 a. The following deadlines, previously set for July 11, 2016, are continued to October
16 24, 2016:

17 i. If available to the parties, the parties are required to file electronically a
18 request to the Courtroom Deputy Clerk, Stephanie Deutsch, by October 24,
19 2016, if they wish to reserve and arrange for orientation on the Court's
20 mobile audio/visual equipment for presentation of evidence.

21 ii. Any evidentiary or procedural motions ("motions in limine") shall be filed
22 by October 24, 2016.

23 b. The following deadlines, previously set for July 18, 2016, are continued to October
24 31, 2016:

25 i. The parties shall file their Witness Lists by October 31, 2016.

26 ii. The parties shall exchange copies of all their exhibits and exhibit list by
27 October 31, 2016.

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- iii. Each party shall present the original and two (2) copies of the exhibit(s) and exhibit list to the Court Clerk’s Office by October 31, 2016. NO EXCEPTIONS.
 - iv. The parties shall file with the Court and exchange between themselves by October 31, 2016 a statement designating portions of depositions intended to be offered or read into evidence (except portions to be used only for impeachment or rebuttal).
 - v. The parties shall file with the court and exchange between themselves by October 31, 2016 the portions of Answers to Interrogatories which the respective parties intend to offer or read into evidence at the trial (except portions to be used only for impeachment or rebuttal).
 - vi. The parties shall file a short, jointly-prepared statement concerning the nature of the case that will be read to the jury at the commencement of trial (NO EXCEPTIONS) by October 31, 2016.
 - vii. The parties shall file a joint set of jury instructions, identified as the “Jury Instructions Without Objection” by October 31, 2016.
 - viii. The parties shall file a joint verdict form(s) by October 31, 2016.
 - ix. The parties shall submit proposed voir dire questions to the Court by October 31, 2016.
 - x. The parties shall file trial briefs by October 31, 2016.
 - xi. The parties shall file any oppositions to evidentiary or procedural motions (“motions in limine”) by October 31, 2016.
 - xii. The parties shall email Stephanie Deutsch, Courtroom Deputy Clerk, at mceorders@caed.uscourts.gov, or call at (916) 930-4207, by October 31, 2016 to ascertain the status of the trial date.
- c. The following deadlines, previously set for July 25, 2016, are continued to November 7, 2016:

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- i. Counsel for the defense shall electronically mail to the Court in digital format and compatible with Microsoft Word the proposed Witness Lists from both parties by November 7, 2016. These lists should be sent to mceorders@caed.uscourts.gov.
- ii. Counsel for the defense shall electronically mail to the Court in digital format and compatible with Microsoft Word, the proposed Exhibit Lists from both parties by November 7, 2016. These lists should be sent to mceorders@caed.uscourts.gov.
- iii. The parties shall file any replies to oppositions to evidentiary or procedural motions (“motions in limine”) by November 7, 2016.

So ordered.

DATED: June 23, 2016.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE