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

J & J SPORTS PRODUCTIONS, INC.,)	
)	2:10-cv-03037-GEB-AC
Plaintiff,)	
)	
v.)	<u>ORDER TO SHOW CAUSE AND</u>
)	<u>CONTINUING FINAL PRETRIAL</u>
EDITH SILVINA SALCEDO, and MARIA)	<u>CONFERENCE</u>
TERESA SALCEDO, inividually and)	
d/b/a SILVINAS BASKET,)	
)	
Defendants.)	
_____)	

The March 26, 2012 Status (Pretrial Scheduling) Order scheduled a final pretrial conference in this case for March 4, 2013, at 1:30 p.m. The March 26th Status Order required each party to file a separate pretrial statement, as well as a joint pretrial statement. (See ECF No. 28, 5:1-6:16.) No separate pretrial statements or joint statement was filed as required.

Therefore, Plaintiff and Defendant Maria Teresa Salcedo are Ordered to Show Cause ("OSC") in a writing to be filed no later than March 15, 2013, why sanctions should not be imposed against them and/or their counsel under Rule 16(f) of the Federal Rules of Civil Procedure for the failure to timely file final pretrial statements. The written response shall also state whether Plaintiff or its counsel is at fault, and whether a hearing is requested on the OSC.¹ If a hearing is

¹ "If the fault lies with the attorney, that is where the impact (continued...)

1 requested, it will be held on March 25, 2013, at 11:00 a.m., just prior
2 to the final pretrial conference, which is rescheduled to that date and
3 time.

4 The parties are cautioned that the lead attorney who WILL TRY
5 THE CASE for each party shall attend the final pretrial conference. In
6 addition, all persons representing themselves and appearing in propria
7 persona must attend the pretrial conference.

8 The parties are warned that **non-trial worthy issues could be**
9 **eliminated sua sponte** “[i]f the pretrial conference discloses that no
10 material facts are in dispute and that the undisputed facts entitle one
11 of the parties to judgment as a matter of law.” Portsmouth Square v.
12 S’holders Protective Comm., 770 F.2d 866, 869 (9th Cir. 1985).

13 The parties shall file a **JOINT** pretrial statement no later
14 than seven (7) calendar days prior to the final pretrial conference.² The
15 joint pretrial statement shall address the applicable portions of Local
16 Rule 281(b), and shall set forth each theory of liability (“claim”) and
17 affirmative defense which remains to be tried, and the ultimate facts on
18 which each theory/defense is based. Furthermore, each party shall
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20

21 ¹(...continued)
22 of sanction should be lodged. If the fault lies with the clients, that
23 is where the impact of the sanction should be lodged.” Matter of
24 Sanction of Baker, 744 F.2d 1438, 1442 (10th Cir. 1984), cert. denied,
471 U.S. 1014 (1985). Sometimes the faults of attorneys, and their
consequences, are visited upon clients. In re Hill, 775 F.2d 1385, 1387
(9th Cir. 1985).

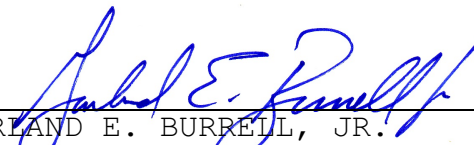
25 ² The failure of one of the parties to participate in the
26 preparation of the joint pretrial statement does not excuse the other
27 party from its/her obligation to timely file a pretrial statement in
28 accordance with this Order. In the event a party fails to participate
as ordered, the party timely submitting the pretrial statement shall
include a declaration explaining why it was unable to obtain the
cooperation of the other party.

1 estimate the length of trial.³ The Court uses the parties' joint pretrial
2 statement to prepare its final pretrial order and could issue the final
3 pretrial order without holding the scheduled final pretrial conference.
4 See Mizwicki v. Helwig, 196 F.3d 828, 833 (7th Cir. 1999) ("There is no
5 requirement that the court hold a pretrial conference.").

6 If feasible, at the time of filing the joint pretrial
7 statement counsel shall also email it in a format compatible with
8 WordPerfect to: geborders@caed.uscourts.gov.

9 IT IS SO ORDERED.

10 Dated: February 27, 2013

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GARLAND E. BURRELL, JR.
Senior United States District Judge

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27 _____
28 ³ If a trial by jury has been preserved, the joint pretrial
statement shall also state how much time each party desires for voir
dire, opening statements, and closing arguments.