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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MATTHEW BONZANI,

Plaintiff,

v.

ROBERT McDONALD, Secretary of  
Veterans Affairs; SCOTT HUNDAHL,  
M.D.,

Defendants.

No. 2:11-cv-0007-EFB

ORDER

On August 6, 2014, this matter was before the court for a supplemental final pretrial conference. At the conference, plaintiff's counsel stated that her client waives his right to a jury trial on the issues of whether Dr. Hundahl is a "supervisor" for purposes of the Rehabilitation Act claim, and an "employer" for purposes of the FMLA claim. Similar representations were made at the original final pretrial conference. Plaintiff, however, previously filed a formal waiver with the court. ECF No. 74. The written waiver specifically states that plaintiff "waives a jury trial solely and exclusively on the issue of whether Defendant Dr. Scott Hundahl is a supervisor for purposes of Plaintiff's Rehabilitation Act claim." ECF No. 74. The waiver makes no mention of plaintiff's FMLA claim. Thus, plaintiff's written waiver is inconsistent with plaintiff's counsel's representations that her client waives his right to a jury trial on the issue of whether Dr. Hundahl is an "employer" for purposes of the FMLA.

1           Accordingly, plaintiff is ordered to file a written waiver by August 8, 2014, clarifying the  
2 inconsistent statements, and specifically addressing whether he waives his right to a jury trial on  
3 the issue of whether Dr. Hundahl is an “employer” for purposes of the FMLA.

4 DATED: August 6, 2014.

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7 EDMUND F. BRENNAN  
8 UNITED STATES MAGISTRATE JUDGE  
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