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

THOMAS WAGNER, TAMMY WAGNER,)	
)	2:11-cv-02490-GEB-EFB
Plaintiffs,)	
)	
v.)	<u>STATUS (PRETRIAL SCHEDULING)</u>
)	<u>ORDER</u>
CITY OF STOCKTON, a municipal)	
corporation; BLAIR ULRING, in)	
his capacity of chief of)	
police for CITY OF STOCKTON;)	
MARK BERG (Stockton Police)	
Department Star #0486);)	
JEFFERY TACAZON (Stockton Police)	
Department Star #1395); and)	
MICHELLE GUTHRIE (Stockton)	
Police Department Star #1524),)	
)	
Defendants.*)	
_____)	

The status (pretrial scheduling) conference scheduled for hearing on March 26, 2012, is vacated since the parties' Joint Status Report filed on March 12, 2012 ("JSR") indicates the following Order should issue.

DISMISSAL OF DOE DEFENDANTS

Since Plaintiffs have not justified Doe defendants remaining in this action, Does 1-20 are dismissed. See Order Setting Status (Pretrial Scheduling) Conference filed September 20, 2011, at 2 n.2

* The caption has been amended according to the Dismissal of Doe Defendants portion of this Order.

1 (indicating that if justification for "Doe" defendant allegations not
2 provided Doe defendants would be dismissed).

3 SERVICE, JOINDER OF ADDITIONAL PARTIES, AMENDMENT

4 No further service, joinder of parties or amendments to
5 pleadings is permitted, except with leave of Court for good cause shown.

6 DISCOVERY

7 All discovery shall be completed by July 23, 2013. In this
8 context, "completed" means that all discovery shall have been conducted
9 so that all depositions have been taken and any disputes relative to
10 discovery shall have been resolved by appropriate orders, if necessary,
11 and, where discovery has been ordered, the order has been complied with
12 or, alternatively, the time allowed for such compliance shall have
13 expired.

14 Each party shall comply with Federal Rule of Civil Procedure
15 26(a) (2) (B) and (C)'s initial expert witness disclosure requirements on
16 or before March 15, 2013, and any contradictory and/or rebuttal expert
17 disclosure authorized under Rule 26(a) (2) (D) (ii) on or before April 15,
18 2013.

19 MOTION HEARING SCHEDULE

20 The last hearing date for a motion is September 23, 2013,
21 commencing at 9:00 a.m.¹ A motion shall be briefed as prescribed in Local
22 Rule 230.

23 The parties are cautioned that an untimely motion
24 characterized as a motion in limine may be summarily denied. A motion in
25 limine addresses the admissibility of evidence.

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28 ¹ This time deadline does not apply to motions for continuances,
temporary restraining orders, emergency applications, or motions under
Rule 16(e) of the Federal Rules of Civil Procedure.

1 FINAL PRETRIAL CONFERENCE

2 The final pretrial conference is set for November 18, 2013, at
3 11:00 a.m. The parties are cautioned that the lead attorney who WILL TRY
4 THE CASE for each party shall attend the final pretrial conference. In
5 addition, all persons representing themselves and appearing in propria
6 persona must attend the pretrial conference.

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

12 The parties shall file a **JOINT** pretrial statement no later
13 than seven (7) calendar days prior to the final pretrial conference. The
14 joint pretrial statement shall address the applicable portions of Local
15 Rule 281(b), and shall set forth each theory of liability (“claim”) and
16 affirmative defense which remains to be tried, and the ultimate facts on
17 which each theory/defense is based. Furthermore, each party shall
18 estimate the length of trial.² The Court uses the parties’ joint pretrial
19 statement to prepare its final pretrial order and could issue the final
20 pretrial order without holding the scheduled final pretrial conference.
21 See Mizwicki v. Helwig, 196 F.3d 828, 833 (7th Cir. 1999) (“There is no
22 requirement that the court hold a pretrial conference.”).

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

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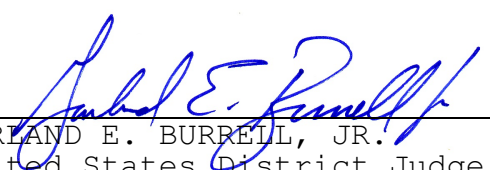
² If a trial by jury has been preserved, the joint pretrial statement shall also state how much time each party desires for voir dire, opening statements, and closing arguments.

1 TRIAL SETTING

2 Trial shall commence at 9:00 a.m. on February 11, 2014.

3 IT IS SO ORDERED.

4 Dated: March 16, 2012

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7 GARLAND E. BURRELL, JR.
8 United States District Judge
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