

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 PACIFIC COAST FEDERATION OF
12 FISHERMEN'S ASSOCIATIONS, et al.,

13 Plaintiffs,

14 v.

15 DAVID MURILLO, Regional Director of
16 the United States Bureau of Reclamation,
17 U.S. BUREAU OF RECLAMATION, and
18 SAN LUIS & DELTA-MENDOTA
WATER AUTHORITY,

Defendants.

No. 2:11-cv-2980-KJM-CKD

ORDER

19 On March 28, 2017, the court issued the Final Pretrial Order. ECF No. 163. Any
20 objections were due seven days after the court reset the trial date. ECF No. 164. On August 16,
21 2017, seven days after the court granted the parties' request and confirmed trial in September,
22 defendants both filed timely objections to the Final Pretrial Order. *See* ECF Nos. 178–79. As of
23 the date of this order, plaintiffs have not filed any objections.

24 Defendants object to plaintiffs' statement of disputed factual issues and lists of
25 witnesses, exhibits, and discovery documents on the grounds that they are not relevant to the
26 issues left for trial. *See* ECF No. 179 (objecting to plaintiffs' disputed facts 1, 13–94 as
27 irrelevant); ECF No. 178 (same). Defendants also point out that plaintiffs' statement of disputed
28

1 facts contains a clerical error, and that facts numbered 56 through 94 are identical to facts
2 numbered 16 through 55.

3 Although the court need not address all of the objections defendants intend to raise
4 at trial here, the court is inclined to address the objections to the disputed factual issues to ensure
5 trial is focused only on the issues surviving summary judgment. Plaintiffs' statement of disputed
6 factual issues was incorporated verbatim into the court's Final Pretrial Order. ECF No. 163 at 7
7 n.1. But plaintiffs filed their pretrial statement in October 2016, ECF No. 139, long before the
8 court ruled on plaintiffs' motions to amend the complaint, ECF No. 162, and for reconsideration
9 of summary judgment, ECF No. 175. Given this backdrop, it is likely that plaintiffs included
10 disputed factual issues that the subsequent orders have clarified are no longer at issue. After a
11 closer review of plaintiffs' statement of disputed facts, the court is prepared to grant defendants'
12 objections on relevance grounds.

13 Accordingly, the court issues this tentative order, subject to confirmation after
14 plaintiffs have an opportunity to weigh in. The court tentatively strikes plaintiffs' disputed facts
15 numbered 1 and 13 through 94 as irrelevant in light of the court's orders. If plaintiffs intend to
16 object or otherwise respond to this tentative ruling before trial, they may do so within seven (7)
17 days. This schedule will not interfere with the trial date, which remains confirmed for September
18 11, 2017 at 9:00 a.m. in Courtroom 3 before the undersigned.

19 IT IS SO ORDERED.

20 DATED: August 24, 2017.

21
22 
23 UNITED STATES DISTRICT JUDGE
24
25
26
27
28