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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

SARAH NOVO,

Plaintiff,

v.

CITY OF SACRAMENTO,  
ANGELIQUE ASHBY,

Defendants.

No. 2:13-cv-00521-MCE-AC

**ORDER**

On February 24, 2017, Defendant City of Sacramento (“City”) filed a Motion for Order to Augment Exhibit and Witness List on grounds that it had just received employment records for Allied Barton Security Services (“Allied”), the employer of Nick Novo, Plaintiff’s husband. According to the City, it did not previously have those records within its custody or control because they were held by ESIS, a worker’s compensation carrier for Allied. According to the City, the records reflect that Nick Novo did not take any sick time between October 6, 2011 and March 19, 2012, the date Plaintiff was terminated. As such, the City maintains that the records are relevant in negating Plaintiff’s claim that her husband had a serious health condition during that period that triggered her right to request protected leave under the Family and Medical Leave Act (“FMLA”) and California Family Rights Act (“CFRA”) to care for her husband and

1 children.

2 Plaintiff has submitted no opposition to the City's request to add the employment  
3 records of Nick Novo from Allied to its Exhibit List and to add Allied's Custodian of  
4 Records to the City's Witness List. Given that non-opposition, and since the Court  
5 concludes that exclusion of the records would amount to a manifest injustice given their  
6 unquestioned relevance to these proceedings, the City's Motion to Augment (ECF No.  
7 132) is GRANTED.<sup>1</sup> The Court's Amended Final Pretrial Order (ECF No. 115) is  
8 amended to include both the Allied records as exhibits and Allied's Custodian of Records  
9 as a potential witness at trial.

10 IT IS SO ORDERED.

11 Dated: March 20, 2017

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13 MORRISON C. ENGLAND, JR.  
14 UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Having determined that oral argument would not be of material assistance, the Court ordered this matter submitted on the briefing in accordance with Local Rule 230(g).