

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

ROBERT DAVID PLEWS,	)	
	)	2:13-cv-00650-GEB-DAD
Plaintiff,	)	
	)	
v.	)	<u>STATUS (PRETRIAL SCHEDULING)</u>
	)	<u>ORDER</u>
VERIZON WIRELESS,	)	
	)	
Defendant.*	)	
_____	)	

The status (pretrial scheduling) conference scheduled for hearing on July 8, 2013, is vacated since the parties' Joint Status Report filed on June 24, 2013 ("JSR") indicates the following Order should issue.

DISMISSAL OF DOE DEFENDANTS

Since Plaintiff has not justified Doe defendants remaining in this action, Does 1-25 are dismissed. See Order Setting Status (Pretrial Scheduling) Conference filed April 5, 2013, at 2 n.2 (indicating that if justification for "Doe" defendant allegations not provided Doe defendants would be dismissed).

SERVICE, JOINDER OF ADDITIONAL PARTIES, AMENDMENT

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

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

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Each party shall comply with Federal Rule of Civil Procedure 26(a)(2)(B) and (C)'s initial expert witness disclosure requirements on or before August 30, 2013, and any contradictory and/or rebuttal expert disclosure authorized under Rule 26(a)(2)(D)(ii) on or before September 30, 2013.

The last hearing date for a motion is February 24, 2014, commencing at 9:00 a.m.<sup>1</sup> A motion shall be briefed as prescribed in Local Rule 230.

FINAL PRETRIAL CONFERENCE

The final pretrial conference is set for April 28, 2014, at 1:30 p.m. The parties are cautioned that the lead attorney who WILL TRY THE CASE for each party shall attend the final pretrial conference. In addition, all persons representing themselves and appearing in propria persona must attend the pretrial conference.

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

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

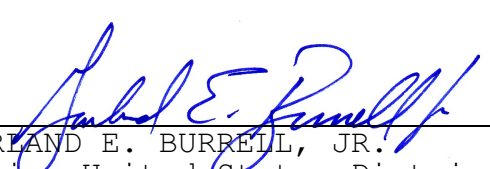
17 If feasible, at the time of filing the joint pretrial  
18 statement counsel shall also email it in a format compatible with  
19 WordPerfect to: geborders@caed.uscourts.gov.

20 TRIAL SETTING

21 Trial shall commence at 9:00 a.m. on July 29, 2014.

22 IT IS SO ORDERED.

23 Dated: July 5, 2013

24  
25   
26 GARLAND E. BURRELL, JR.  
Senior United States District Judge

27  
28 <sup>2</sup> 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.