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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TIMOTHY P. DEMARTINI, et al.,)	Case No. 2:14-cv-02722 JAM-CKD
)	
Plaintiffs,)	COURT'S RESPONSE TO DEFENDANTS'
)	OBJECTIONS OR RESPONSE TO
v.)	PRETRIAL CONFERENCE ORDER
)	
MICHAEL J. DEMARTINI, et al.,)	
)	
Defendants.)	

The Court has reviewed, read and considered "Defendants' Objection or Response to Pretrial Conference Order" (ECF No. 287). The Court responds as follows:

1. Defendants' request for a stay was denied by the Court at the February 16, 2018 Pretrial Conference (See Transcript of Pretrial Conference at pp. 10-12, ECF No. 286). The court will not be issuing a further written Order on Defendants' motion/request for a stay. The Court's reasons for its decision were stated on the record at the Pretrial Conference and reflected in the February 16, 2018 Minute Order (ECF No. 283).

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1 2. Any issues regarding the evidence to be admitted at trial
2 will be determined by the Court following receipt of the parties'
3 motions in limine, including Defendants' evidence regarding the
4 partnership.

5 3. Defendants' renewed objection to the Court's decision on
6 the issue of whether they are entitled to a jury trial on the
7 partition claim is overruled.

8 4. Defendants' objection to this Courts' jurisdiction is
9 overruled.

10 5. Defendants' claims regarding "the stipulation and
11 partnership damages" (ECF No. 287 at pp. 5-7) may not have been
12 abandoned but they are not part of the claims to be heard in this
13 trial. The only two remaining claims are Plaintiffs' partition
14 claim and breach of contract claim.

15 6. Defendants' exhibits are identified by letters only. The
16 request to add numbers after the letter is denied. If an exhibit
17 is a multi-page document, Defendants may identify an exhibit by
18 letter and page number, e.g., "Exhibit A, page 12," "Exhibit B,
19 page 5," etc.

20 7. In response to Defendants' alleged confusion regarding
21 Plaintiffs' statement in ECF No. 202-2, p. 14 (ECF No. 287 at p.
22 8), this is obviously a typographical error and was treated as such
23 by the Court in granting Plaintiffs' Motion for Summary Judgment.

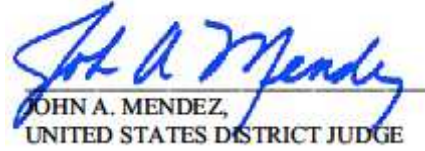
24 8. The estimate of trial time will not be modified.

25 9. As the Court has previously indicated, the fact that two
26 Judges on the Ninth Circuit have discharged the order to show cause
27 on Defendants' appeal (ECF No. 242) of the motion to amend/motion
28 to sever and remand (ECF No. 224) is no reason that the trial of

1 Plaintiffs' two remaining claims should not go forward. Trial will
2 commence on April 16, 2018 at 9:00 a.m.

3 IT IS SO ORDERED.

4 DATED: February 28, 2018.

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6 JOHN A. MENDEZ,
7 UNITED STATES DISTRICT JUDGE
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