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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENNETH WAYNE PARKS,  
Plaintiff,  
v.  
JEFFREY ROHLFING, et al.,  
Defendants.

No. 2:15-cv-1505 KJM CKD P

ORDER

Plaintiff is proceeding with counsel with an action for violation of civil rights under 42 U.S.C. § 1983. On June 1, 2023, the court ordered that plaintiff’s amended pretrial statement (ECF No. 162) be stricken and that counsel for plaintiff show cause why sanctions in the amount of \$250 should not be ordered for counsel’s willful failure to comply with the court’s April 11, 2023, order concerning the contents of plaintiff’s amended pretrial statement. Counsel for plaintiff has replied to the order to show cause and seeks reconsideration of the court’s order striking the amended pretrial statement.

Good cause appearing, IT IS HEREBY ORDERED that:

1. The court’s June 1, 2023, order to show cause is discharged.
2. Plaintiff’s motion for reconsideration is granted. The Clerk of the Court is directed to refile plaintiff’s amended pretrial statement.

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1           3. Within 30 days, plaintiff shall file an amended list of exhibits plaintiff expects to offer  
2 at trial subject to the following conditions:

3           A. The list shall include only those exhibits plaintiff expects to offer in his case-  
4 in-chief, and then any exhibits necessary to rebut any evidence which plaintiff  
5 reasonably anticipates will be proffered by defendant.

6           B. The list shall include only those exhibits that have a reasonable probability of  
7 being admitted into evidence. Plaintiff shall not include exhibits which will most  
8 likely be deemed inadmissible, particularly as cumulative or irrelevant. The list of  
9 exhibits should reflect the limited, discrete, and relatively unsophisticated nature  
10 of the one remaining medical claim that will be presented at trial.

11           C. Plaintiff cannot simply identify a class of documents. For example, in  
12 plaintiff's amended pretrial statement he identifies as his first exhibit "Monthly  
13 Summaries of Medication Administration Records." A "summary" as a discrete  
14 exhibit is acceptable, but only if plaintiff adequately identifies the included data:  
15 e.g.: "April 2017 Summary of Medication Administration Records," "May 2017  
16 Summary of Medication Administration Records," etc.

17           4. Counsel for plaintiff's failure to comply with this order in any material respect will  
18 result in a second order to show cause as to why sanctions should not issue.

19           5. Defendant shall file his response to plaintiff's second amended pretrial statement  
20 within 30 days of the filing of plaintiff's amended exhibit list.

21 Dated: June 15, 2023

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24 CAROLYN K. DELANEY  
25 UNITED STATES MAGISTRATE JUDGE

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