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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES JENKINS, *et al.*,
Plaintiffs,
v.
CITY OF RICHMOND,
Defendant.

No. C-08-3401 EMC

**ORDER DENYING PLAINTIFF’S
MOTION TO CONTINUE THE TRIAL
DATE; AND ORDERING
COMPLIANCE WITH THE COURT’S
PRETRIAL INSTRUCTIONS**

(Docket No. 566)

Before the Court is Plaintiff Pickett’s motion to continue the trial, currently set to begin on January 6, 2014. Dkt. No. 566. This motion is **DENIED**. Plaintiff’s counsel has been representing Plaintiff in this action since November 2012. Further, in May 2013, Plaintiff represented to the Court that he was ready to proceed with trial on July 29, 2013. Dkt. No. 542, at 2. Accordingly, Plaintiff and his counsel have had ample time to prepare for the January 2014 trial. Further, Plaintiff’s argument that the trial must be continued because the bankruptcy court has not approved Plaintiff Threets’ settlement with Defendant is meritless. On December 3, 2013 – two days before Plaintiff filed his motion to continue the trial – the bankruptcy court approved Threets’ settlement. *See In re Threets*, No. 12-36347, Dkt. No. 180 (Bankr. E.D. Cal. Dec. 3, 2013).

Regarding the dispute over the deposition of Plaintiff’s experts, the parties are ordered to meet and confer in order to schedule these depositions. The depositions shall occur no later than Friday, December 20, 2013. If these depositions are not scheduled, the Court will take under submission Defendant’s Motion in Limine #4 and the Plaintiff’s opposition thereto. The parties

1 shall notify the Court as to the dates on which the deposition will occur no later than 5:00 p.m.,
2 Thursday, December 12, 2013.

3 Finally, the Court notes that the parties have failed to comply with the Court's Civil Pretrial
4 Instructions regarding the filing of a joint exhibit list. Specifically, the parties have failed to file an
5 exhibit list that (1) is joint and (2) that briefly states a party's objection to the exhibits and the
6 responses to those objections. The parties have also failed to file the required joint statement in
7 which each side identifies 15 exhibits for which it seeks evidentiary rulings in advance.

8 Accordingly, the parties are ordered as follows:

- 9 • By end of day Friday, December 6, 2013, the parties shall exchange exhibit binders.
- 10 • No later than 5:00 p.m., Tuesday, December 10, 2013, the parties shall file:
 - 11 • A *joint* exhibit list that complies with the Court's Civil Pretrial Instructions.
 - 12 • A *joint* statement in which each side identifies 15 of the opposing party's
 - 13 exhibits for which the party seeks rulings on objections in advance of trial.
 - 14 These may be, for example, exhibits that the party believes are critical to the
 - 15 case (if admitted or not admitted) or an exhibit that the party believes are
 - 16 representative of other exhibits. This joint statement shall include a brief
 - 17 argument, with citation to authority, as to why the party finds the exhibit
 - 18 objectionable with a brief response from the opposing party, again with
 - 19 citation to authority.

20 For the parties' reference, the Court's Civil Pretrial Instructions may be found at
21 <http://www.cand.uscourts.gov/emcorders>.

22 This order disposes of Docket No. 566.

23 IT IS SO ORDERED.

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25 Dated: December 6, 2013

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EDWARD M. CHEN
United States District Judge