

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

ISRAEL DIAZ	:	CIVIL ACTION
	:	NO. 10-5939
v.	:	
	:	
SERGEANT WILLIAM ABERTS	:	
OFFICER RODNEY SIMIONE	:	
	:	
	:	

**ORDER**

AND NOW this 4th day of February, 2013, upon consideration of defendants Sergeant William Aberts and Officer Rodney Simione’s motion for summary judgment (Dkt. No. 37), plaintiff Israel Diaz’s response thereto (Dkt. No. 38), and defendants’ reply in support of their motion (Dkt. No. 39) it is ORDERED that defendants motion is DENIED.

It is further ORDERED that

- 1) This matter is listed for trial to commence on Monday, April 15, 2013 at 10:00 AM in Courtroom 4A of the United States Courthouse, 601 Market Street, Philadelphia, Pennsylvania.
- 2) Motions in limine or other matters requiring the Court’s attention, if any, are to be filed no later than March 18, 2013. Responses to any such motions shall be filed on or before April 1, 2013; and
- 3) Pretrial memoranda, points for charge and verdict sheets should be filed no later than April 1, 2013.

If the parties believe a settlement conference would be productive they should contact my deputy Mr. Charles Ervin (267-299-7559) promptly.

/s/ Thomas N. O’Neill  
THOMAS N. O’NEILL, JR., J.