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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SERGIO ALEJANDRO GAMEZ,

Plaintiff,

v.

F. GONZALEZ, et al.,

Defendants.

Case No. 08cv1113 MJL (PCL)

**THIRD AMENDED CASE
MANAGEMENT
CONFERENCE ORDER; and
ORDER DENYING
PLAINTIFF'S MOTION FOR
HEARING DATE (Doc. No. 55)**

(Fed. R. Civ. P. 26)

THIRD AMENDED CASE MANAGEMENT CONFERENCE ORDER

After consulting with the parties and being advised of the status of the case, and good cause appearing,

IT IS HEREBY ORDERED:

1. In order to identify the claims to be tried and eliminate delay and surprise at trial, the Court enters the following pretrial order pursuant to Fed.R.Civ.P. 16. This order replaces the requirements under the Local Rules. No Memoranda of Law or Contentions of Fact are to be filed except in a bench trial.

2. All parties or their counsel shall fully comply with the Pretrial Disclosure requirements of Fed.R.Civ.P. 26(a)(3) on or before April 4, 2011. Failure to comply with these disclosure requirements could result in evidence preclusion or other sanctions under Fed.R.Civ.P. 37. Additionally, parties who have already complied with Fed.R.Civ.P. 26(a)(3) may defer to disclosures already provided for compliance with this requirement.

1 3. Pursuant to E. D. Civil Rule 16-281, on or before April 11, 2011 the
2 parties shall meet and confer and prepare a proposed pretrial order containing the following:

- 3 a. A statement to be read to the jury, not in excess of one page, of the nature
4 of the case and the claims and defenses.
5 b. A list of the causes of action to be tried, referenced to the Complaint and
6 Counterclaim. For each cause of action, the order shall succinctly list the
7 elements of the claim, damages and any defenses. A cause of action in the
8 Complaint or Counterclaim which is not listed shall be dismissed with
9 prejudice.
10 c(1). A list of each witness that counsel actually expects to call at trial with a
11 brief statement, not exceeding four sentences, of the substance of the
12 witnesses' testimony.
13 c(2). A list of each expert witness that counsel actually expects to call at trial
14 with a brief statement, not exceeding four sentences, of the substance of
15 the expert witnesses' testimony.
16 c(3). A list of additional witnesses including experts that counsel do not expect
17 to call at this time but reserve the right to call at trial along with a brief
18 statement, not exceeding four sentences, of the substance of the witnesses'
19 testimony.
20 d(1). A list of all exhibits that counsel actually expect to offer at trial with a
21 one-sentence description of the exhibit.
22 d(2). A list of all other exhibits that counsel do not expect to offer at this time
23 but reserve the right to offer if necessary at trial with a one-sentence
24 description of the exhibit.
25 e. A statement of all facts to which the parties stipulate. This statement shall
26 be on a separate page and will be read to and provided to the jury. The
27 parties are directed to meet with the assigned magistrate judge to work out
28 as many stipulations of fact as possible.
29 f. A list of all deposition transcripts by page and line, or video tape
30 depositions by section, that will be offered at trial. The proponent of the
31 deposition shall prepare a copy of all portions to be read or played to the
32 jury.
33 g. The parties shall prepare proposed jury instructions (if trial by jury) on the
34 substantive claims, damages and defenses. One set of proposed
35 instructions shall be given to the court. If the parties disagree on an
36 instruction, the alternative instructions shall be submitted.
37 h. The parties shall prepare a proposed jury verdict form.

38 The Court encourages the parties to consult with the assigned magistrate judge to work
39 out any problems in preparation of the proposed pretrial order. The Court will entertain any
40 questions concerning the conduct of the trial at the pretrial conference.

41 4. The proposed final pretrial conference order, including objections they have to
42 any other parties' Fed. R. Civ. P. 26(a)(3) Pretrial Disclosures shall be prepared, served and
43 lodged with the Clerk of the Court on or before April 18, 2011, and shall be in the form
44 prescribed in and in compliance with E. D. Civil Rule 16-281. Counsel shall also bring a court
45 copy of the pretrial order to the pretrial conference.

