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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Equal Employment Opportunity Commission,
Plaintiff,
vs.
Serrano's Mexican Restaurants, LLC, d/b/a
Serrano's Fine Mexican Food Restaurants,
Defendant.

No. 02-1608-PHX-EHC

ORDER

Pursuant to the Court's order on September 1, 2005, the Court held a scheduling conference on September 19, 2005. Prior to the hearing, the Defendant filed a Motion for Reconsideration (Dkt. 225) and a Motion to Postpone Trial Setting while the Motion for Reconsideration is pending (Dkt. 226).

Motion for Reconsideration

Reconsideration is appropriate if the district court “ (1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law.” School Dist. No. 1J, Multnomah County, Or. v. ACandS, Inc., 5 F.3d 1255 (9th Cir. 1993). The Court, having read and considered the motion, finds nothing presented to warrant granting the motion for reconsideration. Accordingly,

IT IS ORDERED DENYING Defendant's Motion for Reconsideration. (Dkt. 225).

1 **Motion to Postpone Trial Setting**

2 Because the Court denies the Motion for Reconsideration, the Motion to Postpone
3 Trial Setting is moot. Accordingly,

4 **IT IS FURTHER ORDERED DENYING** as moot Defendant's Motion to Postpone
5 Trial Setting. (Dkt. 226).

6 **Trial Setting**

7 Pursuant to the scheduling conference held on September 19, 2005, and the Court
8 being fully advised,

9 **IT IS FURTHER ORDERED** setting a jury trial for **Tuesday, January 10, 2006** at
10 **9:00 a.m.**

11 **IT IS FURTHER ORDERED** that the attorneys for each party who will be
12 responsible for trial of the lawsuit shall appear and participate in a Final Pretrial Conference
13 on **Wednesday, December 28, 2005** at **8:30 a.m.** in the United States Courthouse, 401 W.
14 Washington, Phoenix, Arizona.

15 **IT IS FURTHER ORDERED** that a joint proposed pretrial order shall be lodged by
16 **December 9, 2005**. The content of the proposed pretrial order shall include, but not be
17 limited to, that prescribed in the Form of Pretrial Order attached. Statements made shall not
18 be in the form of a question, but should be a concise statement of each party's contention as
19 to each contested and uncontested issue.

20 **IT IS FURTHER ORDERED** that in addition to filing a Proposed Pretrial Order,
21 each party shall also submit proposed jury instructions, proposed voir dire questions,
22 proposed juror questionnaires, if any, as well as proposed form of verdict. These documents
23 shall be filed by the same date the Proposed Pretrial Order is due.

24 **IT IS FURTHER ORDERED** that any final pretrial disclosures required under
25 Fed.R.Civ.P. 26(a)(3) are due **30 days before trial**.

26 **IT IS FURTHER ORDERED** that motions in limine shall be filed **no later than 30**
27 **days before trial**. Only responses to motions in limine shall be filed; no replies are
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1 permitted. The hearing on motions in limine shall take place at the time of the final pretrial
2 conference, or as otherwise ordered.

3 **IT IS FURTHER ORDERED** that if the parties agree to proceed to trial before a
4 magistrate judge, they shall submit to this Court an executed "Consent to Exercise of
5 Jurisdiction By a United States Magistrate Judge and Order of Reassignment."

6 **IT IS FURTHER ORDERED** that the parties shall keep the Court apprised of the
7 possibility of settlement. If a settlement is reached, the parties shall file a Notice of
8 Settlement with the Clerk of the Court and a Stipulation to Dismiss this action with a
9 proposed form of order dismissing this case.

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DATED this 19th day of September, 2005.



Earl H. Carroll
United States District Judge