

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Asora v. Ugwueze, et al.

Asora · No. 1:19-cv-01350-JLT-CDB · Decided April 22, 2025

SUMMARY

This document is a Second Amended Pretrial Order in Aerith Natalia Asora v. G. Ugwueze, et al., a federal civil rights action in the Eastern District of California involving alleged deliberate indifference to serious medical needs, medical negligence, and battery. It identifies the parties’ undisputed and disputed facts and legal issues, anticipated witnesses and exhibits, discovery materials, requested relief, and trial procedures. The order sets a jury trial for August 26, 2025, and establishes related filing and exchange deadlines.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jennifer L. Thurston
DECIDED	April 22, 2025
DOCKET	1:19-cv-01350-JLT-CDB
DISPOSITION	other
PROCEDURAL POSTURE	Second amended pretrial order governing a pending 42 U.S.C. § 1983 prisoner civil-rights action and related state-law medical-negligence and battery claims before a scheduled jury trial.
STANDARD OF REVIEW	For motions in limine, the court stated that evidence should be barred only when the moving party establishes that it is clearly inadmissible for any valid purpose. For appointment of an expert under Federal Rule of Evidence 706, the court stated that appointment is appropriate only when an expert would assist the trier of fact in deciding an issue or understanding specialized evidence, and not to act as a party advocate or circumvent the in forma pauperis statute.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Aerith Natalia Asora v. G. Ugwueze, Arietta, Hashemi, Igbinosa, Kokor, Pacheco

TOPICS

civil procedure

discovery dispute

expert testimony

prisoners rights

PRACTICE AREAS

civil rights

prisoner civil rights

medical negligence

evidence

civil procedure

QUESTIONS PRESENTED

1. What issues, facts, witnesses, exhibits, and deadlines should govern the upcoming jury trial?
2. What standard should govern anticipated motions in limine?
3. Whether Plaintiff had shown grounds for appointment of an impartial medical expert under Federal Rule of Evidence 706.
4. Whether Plaintiff was entitled to appointment of counsel to assist with locating and presenting witnesses.
5. Whether Plaintiff, proceeding pro se, was entitled to attorney's fees.

HOLDINGS

1. A motion in limine should be granted and the challenged evidence barred only if the moving party establishes that the evidence is clearly inadmissible for any valid purpose.
2. Plaintiff had not demonstrated that appointment of an impartial expert was necessary at that time, so the request was denied without prejudice to filing a formal motion within the applicable motion-in-limine deadlines.
3. Plaintiff's renewed request for appointment of counsel was denied for the reasons stated in the court's prior orders.
4. Plaintiff, proceeding pro se, is not entitled to attorney's fees.

KEY QUOTATIONS

"The court will grant a motion in limine, and thereby bar use of the evidence in question, only if the moving party establishes that the evidence clearly is not admissible for any valid purpose." (at 6)

"Expert witnesses should not be appointed where they are not necessary or significantly useful for the trier of fact to comprehend a material issue in a case." (at 17)

"The assistance of an expert witness would be unnecessary under these circumstances." (at 18)

FACTUAL BACKGROUND

Plaintiff is incarcerated and was housed at the California Substance Abuse Treatment Facility in Corcoran from approximately January 2015 through December 2016. She alleges that prison medical providers were deliberately indifferent to serious medical needs, committed medical negligence, and that Defendant Ugwueze committed battery. The disputed factual matters include the adequacy of medical treatment, medication-related injuries and allergic reactions, diagnosis and treatment of pancreatic and spinal conditions, and whether providers caused or failed to respond to Plaintiff's injuries.

PROCEDURAL HISTORY

The court held a pretrial conference on July 15, 2024, and issued an amended pretrial order on August 21, 2024. After continuing the trial because Plaintiff anticipated major surgery, the court permitted limited additional discovery but denied Defendants' request to file a summary-judgment motion. The court issued this second amended pretrial order setting trial deadlines, identifying undisputed and disputed matters, regulating witnesses and exhibits, addressing anticipated motions in limine, and denying Plaintiff's renewed requests for appointed counsel and an appointed expert without prejudice to a formal expert motion.

DISPOSITION

other

CASES CITED

- Luce v. United States, 469 U.S. 38, 40 n. 2 (1984)
- Jonasson v. Lutheran Child and Family Services, 115 F.3d 436, 440 (7th Cir. 1997)
- Arellano Jr. v. Hodge, 2017 WL 2692875, at *1 (S.D. Cal. Jun. 22, 2017)
- Gorton v. Todd, 793 F. Supp. 2d 1171, 1181 (E.D. Cal. 2011)
- Dixon v. Ylst, 990 F.2d 478, 480 (9th Cir. 1993)
- Estelle v. Gamble, 429 U.S. 97, 104 (1983)
- Torbert v. Gore, 2016 WL 3460262, at *2 (S.D. Cal. Jun. 23, 2016)
- Levi v. Dir. Of Corr., 2006 WL 845733, at *1 (E.D. Cal. Mar. 31, 2006)
- Toguchi v. Chung, 391 F.3d 1051, 1057 (9th Cir. 2002)
- McGuckin v. Smith, 974 F.2d 1050, 1059-60 (9th Cir. 1992)
- WMX Technologies, Inc. v. Miller, 104 F.3d 1133 (9th Cir. 1997) (en banc)
- Hadsell v. IRS, 107 F.3d 750, 752 (9th Cir. 1997)
- Tedder v. Odel, 890 F.2d 210, 211-12 (9th Cir. 1989) (per curiam)
- Kay v. Ehrler, 499 U.S. 432, 435 (1991)

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