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

JOHNNY GRAVES,

No. 1:03-cv-06837-GMS

Plaintiff,

**ORDER SETTING TRIAL**

vs.

- KELLY,

Defendant.

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A Final Pretrial Conference was held on August 27, 2010. Plaintiff appeared on his own behalf and counsel appeared on behalf of Defendant. On the basis of the parties' written submissions and the hearing,

**IT IS HEREBY ORDERED:**

1. Trial in this matter shall begin on **January 18, 2011, at 9:00 a.m.** in Courtroom One, 8th Floor, Robert E. Coyle Courthouse, United States District Court, 2500 Tulare Street, Fresno, California, 93721.

2. The trial shall last **2 days** (January 18 and 19). Plaintiff shall be allotted **4-1/2 hours** of trial time and Defendant shall be allotted **4-1/2 hours** of trial time. The Court will keep track of each side's time. Opening and closing statements, direct examination, and cross-examination shall be counted against the parties' allotted time.

3. A final conference shall be held on **January 18, 2011 at 8:30 a.m.**

4. The parties' proposed final pretrial order was approved by the Court as the final

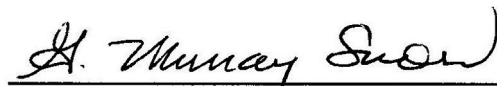
1 pretrial order in this case. The Order shall govern the presentation of evidence and other trial  
2 issues, and, pursuant to Rule 16(e) of the Federal Rules of Civil Procedure, shall be modified  
3 only to prevent manifest injustice. Evidence, objections, legal arguments, and relief not  
4 requested or identified in the order shall not be available at trial, except to prevent manifest  
5 injustice.

6 5. The Court addressed Defendant's Motion in Limine (Doc. 49) and granted that  
7 motion as Plaintiff did not object to it.

8 6. There will be 7 jurors, and the jury will be instructed after closing arguments.

9 7. The original and five copies of all trial exhibits along with exhibit lists shall  
10 be submitted to Courtroom Deputy Michelle Rooney no later than **January 18, 2011 at 8:30**  
11 **a.m.** Original for the Courtroom Deputy, one copy for the undersigned, one copy for the  
12 court reporter, one copy for the witness stand, one copy for the opposing side, and one copy  
13 to be retained by the party. Plaintiff's exhibits shall be pre-marked with the prefix "PX" and  
14 numbered sequentially beginning with 100 (e.g., PX-100, PX-101, etc.). Defendant's  
15 exhibits shall be pre-marked with the prefix "DX" and lettered sequentially beginning with  
16 A (e.g., DX-A, DX-B, etc.).

17 DATED this 30th day of August, 2010.

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G. Murray Snow  
United States District Judge