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

TARZAR R. NELSON,  
Plaintiff,  
vs.  
SHEILA COSTELLO, et al.,  
Defendants.

No. 1:07-cv-0802-GMS

**AMENDED ORDER SETTING FINAL  
PRETRIAL CONFERENCE**

Pursuant to Rule 16(d) of the Federal Rules of Civil Procedure, a telephonic Final Pretrial Conference shall be held on **October 29, 2010 at 9:30 a.m. (Arizona time)**. The parties are directed to call (602) 322-7650. In preparation for this Final Pretrial Conference, it is hereby Ordered:

1. The attorneys who will be responsible for the trial of the case shall attend the Final Pretrial Conference. Counsel shall bring their calendars so that trial scheduling can be discussed.

2. The parties jointly shall prepare a Proposed Final Pretrial Order and shall lodge it with the Court no later than **4:00 p.m. on October 8, 2010**. Preparation and lodging of the Proposed Final Pretrial Order in accordance with the requirements of this Order shall be deemed to satisfy the disclosure requirements of Rule 26(a)(3) of the Federal Rules of Civil Procedure. The parties shall submit a copy of the Proposed Final Pretrial

1 Order to the Court in WordPerfect® 9.0 format either by email to  
2 [snow\\_chambers@azd.uscourts.gov](mailto:snow_chambers@azd.uscourts.gov) or on an IBM-compatible computer disk.

3 3. The Proposed Final Pretrial Order shall include the information prescribed  
4 in the Joint Proposed Final Pretrial Order form found at [www.azd.uscourts.gov](http://www.azd.uscourts.gov) under  
5 Judges and Courtrooms and Orders, Forms and Procedures. Information shall not be set  
6 forth in the form of a question, but shall be presented in concise narrative statements.

7 4. The Court will not allow the parties to offer any exhibit, witness, or other  
8 evidence that was not disclosed in accordance with the provisions of this Order and the  
9 Federal Rules of Civil Procedure and listed in the Proposed Final Pretrial Order, except to  
10 prevent manifest injustice.

11 5. The parties shall exchange drafts of the Proposed Final Pretrial Order no later  
12 than **14 days** before the submission deadline. The Plaintiff(s) shall have the burden of  
13 initiating communications concerning the Proposed Final Pretrial Order.

14 6. The parties shall (a) number and mark exhibits in accordance with the  
15 instructions found in Exhibit Marking Instructions at [www.azd.uscourts.gov](http://www.azd.uscourts.gov) under Judges  
16 and Courtrooms and Orders, Forms and Procedures (such numbers shall correspond to  
17 exhibits numbers listed in the Proposed Final Pretrial Order); (b) meet in person and  
18 exchange marked copies of all exhibits to be used at trial no later than **14 days** before the  
19 submission deadline for the Proposed Final Pretrial Order (any exhibit not marked and  
20 exchanged at this meeting shall be precluded at trial); and (c) eliminate any duplicate  
21 exhibits while meeting to exchange exhibits.

22 7. The parties shall file and serve all motions in limine no later than **October**  
23 **8, 2010**. Responses to motions in limine shall be filed on or before **October 15, 2010**.  
24 Each motion in limine shall include proposed language for the order in limine being sought  
25 from the Court, and the proposed language shall state with precision the evidence that is  
26 subject to the proposed order and the limitation or exclusion placed on the evidence.  
27 The motions and responses must be concise and shall not exceed three (3) pages in length.

1 No replies shall be filed. Counsel shall be prepared to argue the merits of such motions at  
2 the Final Pretrial Conference.

3 8. If this case will be tried to a jury, the parties shall complete the following  
4 tasks by the time of the lodging of the Proposed Final Pretrial Order:

5 (a) The parties shall file a stipulated description of the case to be read to the jury.

6 (b) The parties shall jointly file a proposed set of voir dire questions. The voir  
7 dire questions shall be drafted in a neutral manner. To the extent possible, the parties shall  
8 stipulate to the proposed questions. If the parties have any disagreement about a particular  
9 question, they shall state the reason for their objection below the question. The parties shall  
10 also provide, for the purposes of voir dire, a joint master list of the names of every witness  
11 who may be called at trial.

12 (c) The parties shall file proposed jury instructions in accordance with  
13 "Guidelines for Jury Instructions in Civil Cases" found at [www.azd.uscourts.gov](http://www.azd.uscourts.gov) under  
14 Judges and Courtrooms and Orders, Forms and Procedures.

15 (d) Each party shall file a proposed form of verdict, including any proposed  
16 special verdict forms or juror interrogatories.

17 (e) The joint statement of the case, proposed voir dire questions, proposed jury  
18 instructions, and forms of verdict shall be submitted in WordPerfect® 9.0 format either by  
19 email to [snow\\_chambers@azd.uscourts.gov](mailto:snow_chambers@azd.uscourts.gov) or on an IBM-PC compatible disk.

20 9. If the case will be tried to the Court, each party shall lodge proposed findings  
21 of fact and conclusions of law with the Proposed Final Pretrial Order. The proposed  
22 findings of fact and conclusions of law shall also be submitted in WordPerfect® 9.0 format  
23 either by email to [snow\\_chambers@azd.uscourts.gov](mailto:snow_chambers@azd.uscourts.gov) or on an IBM-compatible computer  
24 disk.

25 10. The parties shall be prepared to advise the Court at the Final Pretrial  
26 Conference of the status of settlement discussions. Should settlement be reached at any  
27 time, the parties promptly shall file a Notice of Settlement with the Clerk of the Court.

