

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

9 William H. Chism, III,) No. 1:08-CV-00103-DGC
10 Plaintiff,) **ORDER SETTING FINAL PRETRIAL
11 v.) CONFERENCE**
12 J. Ward, Chief Deputy Warden, et al.,)
13 Defendant.)
14

15 Pursuant to Rule 16(d) of the Federal Rules of Civil Procedure, the Final Pretrial
16 Conference set for **July 15, 2011 at 4:00 p.m.** is **VACATED** and **RESET** to **July 21, 2011**
17 **at 3:30 p.m.** The Final Pretrial Conference shall be held telephonically on **July 21, 2011 at**
18 **3:30 p.m.** in Courtroom 603, Sandra Day O'Connor U.S. Federal Courthouse, 401 W.
19 Washington St., Phoenix, Arizona 85003-2151. In preparation for this Final Pretrial
20 Conference, it is hereby Ordered:

21 1. **Counsel for Defendant shall initiate a conference call to include Plaintiff**
22 **and the Court at the time set for the Final Pretrial Conference.** The attorneys who will
23 be responsible for the trial of the case shall participate in the Final Pretrial Conference.
24 Counsel shall have immediate access to their calendars so that trial scheduling can be
25 discussed.

26 2. Counsel for Defendant shall prepare a draft Proposed Final Pretrial Order and
27 submit it to Plaintiff for review no later than **May 20, 2011**. Plaintiff shall review the
28 Proposed Final Pretrial Order and provide counsel for Defendant with his/her revisions no

1 later than **June 10, 2011**. Counsel for Defendant shall lodge the Proposed Final Pretrial
2 Order with the Court no later than **4:00 p.m. on June 27, 2011**. Preparation and lodging of
3 the Proposed Final Pretrial Order in accordance with the requirements of this Order shall be
4 deemed to satisfy the disclosure requirements of Rule 26(a)(3) of the Federal Rules of Civil
5 Procedure. Counsel for Defendant shall submit a copy of the Proposed Final Pretrial Order
6 to the Court in WordPerfect® 9.0 format either by email to Nancy_Outley@azd.uscourts.gov
7 or on an IBM-compatible computer disk.

8 3. The Proposed Final Pretrial Order shall include the information prescribed in
9 the Joint Proposed Final Pretrial Order form found at www.azd.uscourts.gov under Judges
10 and Courtrooms and Orders, Forms and Procedures. Information shall not be set forth in the
11 form of a question, but shall be presented in concise narrative statements.

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

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

24 6. The parties shall file and serve all motions in limine no later than
25 **June 10, 2011**. Responses to motions in limine shall be filed on or before **June 24, 2011**.
26 Each motion in limine shall include proposed language for the order in limine being sought
27 from the Court, and the proposed language shall state with precision the evidence that is

1 subject to the proposed order and the limitation or exclusion placed on the evidence.
2 The motions and responses must be concise and shall not exceed three (3) pages in length.
3 No replies shall be filed. The Court will rule on the motions in limine without oral argument.

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

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

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

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

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

21 8. If the case will be tried to the Court, each party shall lodge proposed findings
22 of fact and conclusions of law with the Proposed Final Pretrial Order. The proposed findings
23 of fact and conclusions of law shall also be submitted in WordPerfect® 9.0 format either by
24 email to Nancy_Outley@azd.uscourts.gov or on an IBM-compatible computer disk.

25 9. In order to facilitate the creation of an accurate record, the parties shall file a
26 "Notice to Court Reporter" **one week before trial** containing the following information that
27 may be used at trial:

- 1 (a) Proper names, including those of witnesses.
- 2 (b) Acronyms.
- 3 (c) Geographic locations.
- 4 (d) Technical (including medical) terms, names or jargon.
- 5 (e) Case names and citations.
- 6 (f) Pronunciation of unusual or difficult words or names.

7 Please also send (or transmit electronically) to the court reporter a copy of the concordance
8 from key depositions.

9 10. The parties shall file a status report regarding settlement discussions no later
10 than **(3 weeks prior to submission date)**. Should settlement be reached at any time, the
11 parties promptly shall file a Notice of Settlement with the Clerk of the Court.

12 12. Counsel shall review Judge Campbell's statement of Trial Conduct and
13 Decorum before the Final Pretrial Conference. A copy can be found on the Court's website
14 at www.azd.uscourts.gov under Judges and Courtrooms and Orders, Forms and Procedures.

13. This Order supersedes the Local Rules of the United States District Court for
the Eastern District of California to the extent it is inconsistent with those rules.

17 14. Full and complete compliance with this Order shall be required by the Court.
18 DATED this 24th day of June, 2011.

Daniel G. Campbell

**David G. Campbell
United States District Judge**