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

EFRAIN MUNOZ, *individually and on  
behalf of all others similarly situated,  
et al.*,

Plaintiffs,

v.

PHH MORTGAGE CORPORATION,  
*et al.*,

Defendants.

No. 1:08-cv-00759-MMB-BAM

**FIRST AMENDED  
PRETRIAL ORDER**

15 On August 9, 2021, the undersigned was designated to preside over the  
16 trial of this case (ECF 457). The court finds it necessary to amend the final  
17 pretrial order (ECF 456), which remains in effect except as amended by this  
18 order.

19 **I. Trial date and location**

20 As provided in the Clerk's Notice entered on October 5, 2021 (ECF 459),  
21 trial will commence on **Tuesday, February 15, 2022**, at **9:00 a.m.** in Court-  
22 room 10 (13th Floor) of the Robert T. Matsui Federal Courthouse, 501 I Street,  
23 Sacramento, California.

24 **II. Status conference**

25 The trial status conference previously scheduled for December 13, 2021,  
26 is hereby rescheduled to **Wednesday, January 12, 2022**, at **10:30 a.m.** Pacific  
27 Standard Time via a Webex videoconference. No later than **Wednesday**,

1 **January 5, 2022**, counsel are to contact the undersigned's Case Manager, Ca-  
2 sey Anne Cheevers, at casey\_cheevers@cit.uscourts.gov regarding technical ar-  
3 rangements for this Webex.

4 The parties are to submit (via CM/ECF) a list of agenda topics they wish  
5 to discuss along with (as appropriate) a proposed action for the court to take as  
6 to each topic. Insofar as the parties disagree regarding actions items for the  
7 court, the list of agenda topics is to state each party's position and the reason(s)  
8 therefor. The parties' proposed agenda is due no later than **Friday, Janu-**  
9 **ary 7, 2022.**

### 10 **III. Motions *in limine***

11 The schedule for filing and briefing the anticipated motions *in limine* is  
12 hereby modified as follows. (1) Any motions *in limine* the parties elect to file  
13 are due no later than **Friday, November 19, 2021**. (2) Any responses thereto  
14 are due no later than 21 days after a motion is filed. (3) Any replies in support  
15 of motions *in limine* are due no later than 11 days after an opposition is filed.  
16 (4) The court encourages the parties to file motions *in limine* on a rolling basis  
17 rather than waiting until the last possible day. (5) There will be no oral argu-  
18 ment on motions *in limine* unless the court orders otherwise.

### 19 **IV. Trial briefs**

20 The due dates for trial briefs addressing the points of law identified in  
21 Part VIII of the original final pretrial order (ECF 456, at 8–9) are modified as

1 follows. (1) Trial briefs are due no later than **Tuesday, January 18, 2022.**

2 (2) A party wishing to file a response to a trial brief pursuant to Local  
3 Rule 285(b) may do so no later than **Tuesday, February 1, 2022.**

#### 4 **V. Submitting jury instructions**

5 Counsel shall e-mail a copy of all proposed jury instructions and verdicts,  
6 whether agreed or disputed, as a Word document to the Case Manager, Ms.  
7 Cheevers, at [casey\\_cheevers@cit.uscourts.gov](mailto:casey_cheevers@cit.uscourts.gov) no later than **Tuesday, Febru-**  
8 **ary 1, 2022;** all blanks in form instructions should be completed and all brack-  
9 ets removed.

#### 10 **VI. Document formatting**

11 1. All documents created by counsel and filed in this action after the  
12 entry of this order shall be set in a 14-point proportionally-spaced serif type-  
13 face,<sup>1</sup> except that 13-point type may be used for footnotes. *Cf.* Fed. R. App. P.  
14 32(a)(5)(A). This requirement does not apply to any standard forms, original  
15 evidentiary materials, or other material not prepared on counsel's computer.

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<sup>1</sup> Typefaces such as Arial, Helvetica, or similar are sans-serif typefaces and thus do not comply with this instruction. For an explanation of the distinction between serif and sans serif typefaces (and why the latter are more difficult to read and thus prohibited in the federal courts of appeals), see Fed. R. App. P. 32 advisory committee notes for the 1998 amendments to paragraph (a)(5). Similarly, Courier is a mono-spaced typeface and thus does not comply with this instruction. As suggested by the Seventh Circuit, the court encourages the parties to use either a Century-family typeface or another serif typeface designed for books, rather than Times New Roman: <http://www.ca7.uscourts.gov/rules-procedures/Handbook.pdf> at 173–77.

1           2.     The page limits previously in effect in this matter under Judge  
2 Drozd’s civil standing order are replaced with word-count limits. Documents  
3 previously subject to a 25-page limit are subject to a 7500-word limit and doc-  
4 uments previously subject to a 15-page limit are subject to a 4500-word limit.  
5 The foregoing word-count limits are inclusive of footnotes but do not include  
6 the case caption, signature block, any tables of contents or authorities, or any  
7 certifications of counsel. (To the extent counsel may need to file anything sub-  
8 ject to a page limit of other than 15 or 25 pages, counsel may calculate the  
9 applicable word-count limit by multiplying the number of allowed pages by 300  
10 words per page.)

11           3.     Documents subject to the foregoing word-count limit shall include  
12 a certificate of compliance stating the word count. Counsel may rely upon the  
13 word count stated by word processing software as long as the certificate of com-  
14 pliance contains a statement to that effect that refers to the software used (e.g.,  
15 “This brief contains 4321 words as reported by Microsoft Word”).

16 **VII. Summary of dates**

17           The following table summarizes the dates established above, as well as  
18 the dates prescribed in the original final pretrial order that remain unchanged.

<b>Date</b>	<b>Event</b>
November 19, 2021	Last day to file motions <i>in limine</i>
21 days after motion is filed	Responses to motions <i>in limine</i> due
11 days after response is filed	Replies in support of motions <i>in limine</i> due

Date	Event
January 5, 2022	Counsel to contact Case Manager regarding logistics for trial status conference
January 7, 2022	Counsel to submit proposed agenda topics for trial status conference
January 12, 2022	Trial status conference via Webex videoconference, 10:30 a.m. PST
January 18, 2022	1. Trial briefs due 2. Parties to exchange exhibits
February 1, 2022	1. Optional responses to trial briefs due 2. Objections to exhibits due 3. Parties to file “Joint Jury Instructions and verdicts” and any separate proposed instructions on which they cannot agree 4. Sealed original copy of any deposition transcript to be used at trial must be lodged with Clerk of Court
February 8, 2022	1. Any proposed jury voir dire due 2. Objections to proposed jury instructions due
February 10, 2022	Final exhibits due
February 15, 2022	Trial begins, 9:00 a.m., Courtroom 10 of the Sacramento federal courthouse

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Dated: October 12, 2021

*/s/ M. Miller Baker*  
M. Miller Baker, Judge<sup>2</sup>

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<sup>2</sup> Judge of the United States Court of International Trade, sitting by designation.