

1 Michael A. Geibelson, Bar No. 179970  
MAGeibelson@rkmc.com  
2 Amy M. Churan, Bar No. 216932  
AMChuran@rkmc.com  
3 ROBINS, KAPLAN, MILLER & CIRESI L.L.P.  
2049 Century Park East, Suite 3400  
4 Los Angeles, CA 90067-3208  
Telephone: 310-552-0130  
5 Facsimile: 310-229-5800

6 Attorneys for Plaintiff and Counter-Defendant  
BEST BUY STORES, L.P.

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA - SACRAMENTO DIVISION

BEST BUY STORES, L.P., a Virginia limited  
partnership,

Plaintiff,

v.

MANTECA LIFESTYLE CENTER, LLC. a  
Delaware limited liability company,

Defendant.

Case No. 2:10-CV-00389-WBS-KJN

**JOINT STIPULATION AND [PROPOSED]  
ORDER RE: MOTIONS IN LIMINE AND  
TRIAL EVIDENCE**

MANTECA LIFESTYLE CENTER, LLC

Counter-Claimant

v.

BEST BUY STORES, L.P., a Virginia limited  
partnership,

Counter-Defendant

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TO THIS HONORABLE COURT, ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS:

Plaintiff BEST BUY STORES, L.P., (“Best Buy”) and Defendant MANTECA LIFESTYLE CENTER, LLC (“Manteca), collectively referred to as the “Parties,” by and through their respective undersigned counsel, hereby stipulate and agree as follows:

WHEREAS, on April 2, 2012, Manteca filed its Statement on Estimate of Voir Dire and Motions in Limine (Dkt. 160) and Best Buy filed its Report Re: Motions in Limine and Voir Dire (Dkt. 161);

WHEREAS, on May 7, 2012 and thereafter, counsel for Best Buy and counsel for Manteca met and conferred regarding the substance of the Parties’ motions *in limine*, as set forth in their respective reports to this Court regarding the Parties’ proposed motions *in limine*;

WHEREAS, counsel for the Parties agreed to stipulate regarding certain proposed motions *in limine* and with respect to the presentment of evidence and witnesses at trial,

IT IS HEREBY STIPULATED AND AGREED by the Parties, and subject to the Court’s approval, that:

1. Each party will limit its opening statement to a maximum of 75 minutes.
2. Without waiving other evidentiary objections, the parties stipulate to the authenticity of the exhibits identified by the parties on their Exhibit List.
3. Trial Exhibit No. 593 is a true and authentic copy of Poag and McEwen's web page that was posted on the Internet in February 2009 before Best Buy opened.
4. Best Buy opened its store on February 27, 2009.
5. The parties shall not introduce any evidence, argument, and/or testimony concerning the content of any articles, seminar or symposium materials from the International Council of Shopping Centers (“ICSC”) or any other similar source (e.g. Exhibit 237 to the Deposition of Michael Di Geronimo) on the ground that such evidence and/or testimony constitutes inadmissible hearsay and improper expert opinion. This stipulation does not apply to dictionary definitions, including but not limited to those contained in the ICSC Dictionary of Shopping Center Terms, and other authoritative sources permitted to be admitted pursuant to

1 Federal Rule of Evidence 803(18). Based on this stipulation Best Buy hereby withdraws its  
2 Motion in Limine No. 8 as set forth in Dkt. 161 and Manteca withdraws its Motion in Limine 10  
3 as set forth in Dkt. 160.

4 6. The parties agree that with respect to the witnesses who both sides may be calling  
5 for their case in chief who will only be testifying once, the order of questioning will be (1) Direct  
6 examination, (2) Cross-examination and direct examination by the other party; (3) Redirect  
7 examination to the opening direct examination and cross-examination to the other party's direct;  
8 and (4) Redirect to the second direct, and thereafter such recross-examination and re-direct  
9 examination as the court may allow. Witnesses intended to be covered by this Paragraph include  
10 Kathryn Beine, Steve Craig, Alesia Kempe, Scott Kern, Jason Kraus, Pat Matre, Bud Moll, Josh  
11 Poag, Tricia Remus, John Sarokhan, Ross Schram, and Shirl Wills. This Paragraph does not  
12 apply to Melissa Moseley who is being presented in both parties' cases but testifying twice.  
13 Finally, this Paragraph does not apply to the remaining witnesses to be called separately by the  
14 parties.

15 IT IS SO STIPULATED.

16 DATED: May 29, 2012

**ROBINS, KAPLAN, MILLER & CIRESI L.L.P.**

18 By: /s/Michael A. Geibelson  
19 Michael A. Geibelson  
Amy M. Churan

**Attorney For Plaintiff And Counter-Defendant  
Best Buy Stores, L.P.**

22 DATED: May 29, 2012

**GREENBERG TRAUERIG, LLP**

23 By: /s/Howard Jeruchimowitz  
24 Howard Jeruchimowitz

**Attorney For Defendant And Counter-Claimant  
Manteca Lifestyle Center, LLC**

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**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: May 30, 2012



WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE