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United States District Court
For the Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISION

ALYSSA MILLER,

No. CV 08-5595 NJV

Plaintiff,

PRETRIAL SCHEDULING ORDER

v.

JUSTIN SHANE LADD, dba THE
ALIBI RESTAURANT & COCKTAIL
LOUNGE, and DOES ONE to FIFTY,
inclusive,

Defendant.

Pursuant to the stipulation of the parties the September 21, 2010 trial date and associated pretrial deadlines are hereby VACATED and reset as follows:

1. TRIAL DATE:

a. A jury trial will begin on January 25, 2011 at 9:30 a.m. in Courtroom 205A, 2nd Floor, 514 H Street, Eureka, CA 95501 ("Eureka Federal Courthouse").

b. The length of the trial will be no more than four (4) days.

2. FINAL PRETRIAL CONFERENCE

a. A final pretrial conference shall be held at least **thirty (30)** days before the date set for trial. The final pretrial conference shall be held on Tuesday, December 14, 2010

1 at 2:30 p.m. in the Eureka Federal Courthouse. Each party shall attend personally or by
2 counsel who will try the case.

3 b. **Not less than thirty (30) days** prior to the date of the final pretrial conference,
4 all counsel or parties shall meet and fulfill the requirements of L.R. 16-10(b).

5 **3. PRETRIAL FILINGS**

6 a. **Not less than twenty (20) days** prior to the final pretrial conference, counsel
7 or parties shall:

8 (i) Serve and file a **joint** final pretrial conference statement pursuant to
9 L.R. 16-10(b). The joint final pretrial conference statement shall include the disclosures
10 required by Fed. R. Civ. P. 26(a)(3) as well as the following:

11 THE ACTION

12 Substance of the Action

13 Relief Prayed

14 FACTUAL BASIS FOR THE ACTION

15 Undisputed Facts

16 Disputed Factual Issues

17 Agreed Statement

18 Stipulations

19 DISPUTED LEGAL ISSUES

20 (List)

21 TRIAL PREPARATION

22 Witnesses to be Called

23 Exhibits, Schedules and Summaries

24 Trial

25 Estimate of Trial Time

26 Use of Discovery Responses at Trial

27 Further Discovery or Motions

28 TRIAL ALTERNATIVES AND OPTIONS

Settlement Discussions

1 Amendments - Dismissals

2 Bifurcation, Separate Trial of Issues

3 MISCELLANEOUS

4 Any other concerns of the parties

5 (ii) Serve and file **trial briefs**, which shall specify each cause of action
6 and defense remaining to be tried along with a statement of the applicable legal standard (no
7 opposition shall be filed). Two (2) courtesy copies of trial briefs shall be provided.

8 (iii) Serve and file **motions in limine** which shall be contained in one
9 document where possible. Two (2) courtesy copies of motions in limine shall be provided.
10 Motions in limine will be decided at the Pretrial Conference.

11 (iv) Serve and file a list of **discovery excerpts** from depositions
12 (specifying the witness, page and line references), interrogatory answers, and requests for
13 admission that will be offered at trial, and whether the excerpt is to be offered in lieu of
14 testimony or for impeachment or rebuttal purposes;

15 (v) Serve and file a list of **witnesses** likely to be called at trial, in person
16 or by deposition, other than solely for impeachment or rebuttal, with a brief statement
17 describing the substance of the testimony to be given;

18 (vi) Serve and file a numerical **list of exhibits** (including demonstrative
19 exhibits that may be admitted into evidence but not those that are purely illustrative), with a
20 brief statement describing the substance and purpose of each exhibit and the name of the
21 sponsoring witness;

22 (vii) For cases to be tried by jury, serve and file proposed **joint voir dire**
23 **questions** and **joint jury instructions** (further instructions regarding jury instructions are
24 below).

25 (viii) For cases to be tried by the court, serve and file **proposed findings**
26 **of fact and conclusions of law**.

27 (ix) Serve and file a proposed **verdict form** which contains no reference
28 to the submitting party.

1 b. No party shall be permitted to call any witness or offer any exhibit in its case
2 in chief that is not disclosed in these pretrial filings without leave of court and for good cause.

3 c. **Not less than ten (10) days** prior to the final pretrial conference, counsel or
4 parties shall serve and file any **opposition or objection** to those items required by paragraph
5 7(a) of this order. Additionally, counsel or parties shall file any objections to the qualifications
6 of **expert witnesses** contained in the opposing party's witness list. Objections not filed as
7 required will be deemed waived. No replies shall be filed. All motions and objections shall be
8 heard at the pretrial conference unless otherwise ordered.

9 d. At least **two (2) weeks before trial**, the parties shall:

10 (i) **exchange exhibits** which shall be premarked (see label below),
11 tabbed and in binders; and

12 (ii) deliver to chambers the original and two duplicate sets of all exhibits
13 premarked, tabbed and in binders. Exhibits are not to be filed.

14 For numbering exhibits, the plaintiff shall use numbers and the defendant shall use
15 letters.

16 Exhibit Label:

17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA

19 Case No. _____

20 Exhibit No. _____

21 Date entered: _____

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23 RICHARD W. WIEKING, Clerk

24 By: _____

25 Deputy Clerk
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4. JURY TRIAL

a. Counsel shall submit an **agreed upon set** of additional **voir dire** questions to be posed by the court. Any voir dire questions on which counsel cannot agree may be submitted separately. Counsel will be allowed brief follow-up voir dire after the court's questioning.

b. **Jury Instructions.** The following jury instructions from the Manual of Model Civil Jury Instructions for the Ninth Circuit (October 2009 Edition) will be given absent objection: 1.1 - 1.14, 1.18, 1.19, and 3.1-3.5. The Ninth Circuit Manual of Model Jury Instructions is available on the website for the U.S. District Court for the Northern District of California at www.cand.uscourts.gov. Click on the 9th Circuit home page button on the lower left side of the District Court's home page, and then choose the Manual from the list on the left hand side of 9th Circuit home page (Jury Instructions - Civil).

Counsel shall submit an agreed upon set of case specific instructions, using the Ninth Circuit Manual where appropriate. Do not submit duplicates of those listed above. Any instructions on which counsel cannot agree may be submitted separately. Each requested instruction shall be typed in full on a separate page with citations to the authority upon which it is based and a reference to the party submitting it. Counsel shall submit a table of contents with their jury instructions. A **second blind copy** of each instruction and verdict form shall also be submitted omitting the citation to authority and the reference to the submitting party.

9. All documents filed with the Clerk of the Court shall list the civil case number followed by the initials "NJV." One copy shall be clearly marked **chambers** copy.

DATED: July 27, 2010



NANDOR J. VADAS
United States Magistrate Judge