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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNIONAMERICA INSURANCE CO.,)
LIMITED, Successor-in-)
interest to ST. PAUL)
REINSURANCE,)
Plaintiff(s),)
v.)
THE FORT MILLER GROUP, INC.,)
THE FORT MILLER CO. and)
BEECHE SYSTEMS CORP.,)
Defendant(s).)
_____)

No. C05-1912 BZ

PRETRIAL PREPARATION ORDER

The trial scheduled to begin February 23, 2009 is a bench trial limited to Unionamerica's claims and Fort Miller's answer and affirmative defenses to those claims. The issues presented by Fort Miller's counterclaim have been severed for trial and their prosecution **STAYED** pending a ruling on the rescission claim. See Order Staying Counterclaim dated October 30, 2008. Notwithstanding this Order and the Stipulation and Order permitting Unionamerica to withdraw its jury trial demand dated October 6, 2008, pretrial documents in apparent violation of these Orders have

1 been filed. See, for example, document 258, Fort Miller's
2 proposed jury instructions.

3 The Court intends to abide by its October 30, 2008 Order
4 and only consider at the pretrial conference issues that
5 pertain to the February 23, 2009 bench trial on the
6 rescission claim. The parties are therefore **ORDERED** to
7 review their pretrial filings and withdraw all filings that
8 are not consistent with the October 30, 2008 Order by
9 **4:00 p.m. tomorrow, January 15, 2009**, so that the Court will
10 not waste its time reviewing unnecessary filings.

11 Unionamerica has delivered to chambers 8 boxes marked
12 "Plaintiff's Exhibits" as well as 8 boxes marked "Plaintiff's
13 Exhibits" to my deputy clerk. The exhibits are in 6" binders
14 which are too heavy for the Court and staff to lift.
15 Unionamerica was previously advised of this when it submitted
16 similar binders in connection with its summary judgment
17 motion. Unionamerica is **ORDERED** to replace the existing
18 binders by **4:00 p.m. on January 16, 2009**. The new binders
19 shall be no more than 3" thick.

20 Dated: January 14, 2009

21 
22 Bernard Zimmerman
23 United States Magistrate Judge

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