

United States District Court  
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KATHLEEN ESPINOSA, et al.,

Plaintiffs,

No. C 06-04686 JSW

v.

CITY AND COUNTY OF SAN FRANCISCO,  
et al.,

Defendants.

**ORDER CONTINUING  
PRETRIAL CONFERENCE AND  
TRIAL DATES**

In light of the criminal trials on the Court’s docket, which take precedence over civil trials due to the Speedy Trial Act, the trial in this matter will not be able to start on the scheduled day of December 2, 2013. Therefore the Court HEREBY CONTINUES the pretrial conference and trial to February 10, 2014 at 2:00 p.m. and March 10, 2014 at 8:00 a.m., respectively. Jury selection will begin on March 5, 2014 at 8:00 a.m. The continuance of these dates does not create an additional opportunity to file additional documents, such as Plaintiffs’ supplemental trial brief, which have not been specifically required by the Court. Pretrial briefs and motions were due two weeks before the initial pretrial conference, on April 2, 2013. To the extent parties seek to file additional pretrial briefs or motions, they shall seek leave of Court upon a showing of good cause.

Under the guise of filing a supplemental trial brief, Plaintiff appears to reargue the Court’s rulings on motions *in limine*. The Court will only consider argument on motions

1 already decided by this Court that are raised pursuant to a properly filed and supported motion  
2 for leave to file a motion for reconsideration.

3 Plaintiffs also state that they will seek a stipulation to file a supplemental jury  
4 instruction based on a California Supreme Court opinion which was issued in mid-August. It is  
5 not clear why Plaintiffs waited over two months after California Supreme Court opinion was  
6 issued to even suggest that they intend to belatedly request an additional jury instruction.  
7 Moreover, despite the fact that the scheduled second pretrial conference is less than one week  
8 away, Plaintiffs have not yet filed their proposed additional jury instruction. The Court does  
9 not condone Plaintiffs' delay. Plaintiffs shall file their proposed additional jury instruction,  
10 either stipulated or disputed, by no later than November 4, 2013. If Defendants dispute the  
11 proposed additional jury instruction, Defendants may file a response by no later than November  
12 8, 2013. Again, as noted above, if the parties seek to request any additional changes to the  
13 requested jury instructions, they shall seek leave of Court upon a showing of good cause.

14 **IT IS SO ORDERED.**

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16 Dated: September 30, 2013

  
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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE