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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

PAI CORPORATION,  
  
Plaintiff(s),  
  
v.  
  
INTEGRATED SCIENCE SOLUTIONS  
INC., ET AL.,  
  
Defendant(s).

No. C 06-05349 (JCS)  
  
**FINAL  
PRETRIAL ORDER**

Following the Final Pretrial Conference held on October 3, 2008, IT IS HEREBY  
ORDERED THAT:

Except as modified by this Order, the Court adopts the parties' Proposed Joint Pretrial Order  
as an order of the Court.

A. Trial will commence on **October 14, 2008, at 8:30 a.m.**, in Courtroom A, 15th Floor,  
U.S. District Court, 450 Golden Gate, San Francisco, California, and will last **eight (8) days**. Trial  
days will be from 8:30 a.m. to 2:30 p.m., with a 15-minute break at 10:30 a.m. and a 45-minute  
lunch break at noon. Each side shall have 14 hours in which to present the direct examination of its  
witnesses and the cross-examination of the opposing party's witnesses, including all objections and  
other time spent in front of the jury. In addition, each side shall have up to forty-five minutes to  
present an opening statement.

B. All witnesses, other than client representatives and expert witnesses, are excluded  
from the trial.

United States District Court  
For the Northern District of California

1 C. Not later than the first day of trial, the parties shall prepare a jury instruction that  
2 includes all stipulated facts. Those stipulated facts may be read by the parties as evidence during the  
3 trial.

4 D. Not later than the **October 10, 2008**, the parties shall a file a revised agreed-upon set  
5 of jury instructions for the Court's review. By that date, the parties shall also file a joint one  
6 paragraph statement of the case to be read by the Court during Voir Dire. In addition, by that date,  
7 the parties shall file a joint proposed verdict form. The Court will read 9<sup>th</sup> Circuit model instructions  
8 1.1-1.14, 1.18-1.19, 2.8, and 2.11-2.13 before opening statements.

9 E. Motions in Limine

- 10 1. Plaintiff's Motion in Limine No. 1 to exclude evidence offered to interpret  
11 paragraph 4.7 of the Subcontract is Denied in Part. The parties are to submit a  
12 joint limiting instruction by October 10, 2008.
- 13 2. Plaintiff's Motion in Limine No. 2 to exclude evidence regarding PAI's  
14 administrative protest is GRANTED.
- 15 3. Plaintiff's Motion in Limine No. 3 to exclude opinion testimony of Brown is  
16 GRANTED in part. Brown shall not give any testimony on the administrative  
17 protest in this case.
- 18 4. Plaintiff's Motion in Limine No. 4 to exclude prior convictions of Duquette is  
19 DENIED in part. No evidence may be offered regarding the 1994 tax ruling,  
20 but Duquette's conviction may be offered.
- 21 5. Plaintiff's Motion in Limine No. 5 to exclude evidence of women owned  
22 status is DENIED.
- 23 6. Defendants' Motion in Limine No. 1 to exclude to exclude evidence of offers  
24 of settlment is GRANTED.
- 25 7. Defendants' Motion in Limine No. 2 to exclude evidenc of Defendants  
26 finacial condition is GRANTED in part. Evidence of Issi's financial  
27 condition after March, 2005, and of McCloy's financial condition, may not be  
28 offered into evidence in phase I of the trial. Otherwise, DENIED.

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8. Defendants' Motion in Limine No. 3 to exclude expert opinion testimony by non-disclosed experts is GRANTED.

9. Defendants' Motion in Limine No. 4 to exclude reference to confidential designations made during discovery is GRANTED.

10. Defendants' Motion in Limine No. 5 to exclude evidence of negligent misrepresentations relating to future conduct is DENIED.

F. Be on time and prepared with witnesses. If the party then presenting its case does not have its next witness present at any time, it will be deemed to have rested that portion of its case (e.g. case in chief, rebuttal).

G. Notices of witnesses and documents: At the close of each trial day, each party must disclose to the other parties the witnesses to be called on direct examination for the following 2 days, and the Exhibit numbers of the documents that it plans to use on direct (other than for impeachment). With 24 hours of such disclosure, the opposing party shall provide the exhibit numbers of the documents to be used in cross of the witnesses (other than for impeachment). No Party will be allowed to call witnesses or use documents other than those that have been previously disclosed both in the Pretrial Conference Statement, and in the daily witness lists.

H. The trial will be conducted in two phases. Phase I will encompass all issues except the amount of punitive damages. Phase II will encompass the amount of punitive damages.

IT IS SO ORDERED.

Dated: October 7, 2008



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JOSEPH C. SPERO  
United States Magistrate Judge