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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

7 TYCO THERMAL CONTROLS LLC,
8
9 Plaintiff,

10 v.

11 REDWOOD INDUSTRIALS, LLC,
12
13 Defendant.

Case Nos. 06-cv-07164 NC
10-cv-01606 NC

**ORDER RE: FURTHER TRIAL
PREPARATION**

14
15 In addition to the Court's standing order on trial preparation, the Court orders as
16 follows:

17 **1. Joint Trial Readiness Binder.** The parties are ordered to provide the Court
18 with two copies of a Joint Trial Readiness Binder. The documents and binder with said
19 documents are due seven days prior to the commencement of trial. The Joint Trial
20 Readiness Binders shall contain copies of filed documents with the ECF header reflecting
21 the item's docket number and filing date, including:

22 (A) Proposed Order Re Trial Stipulations. The Court expects that the parties
23 will agree to a variety of stipulations regarding the conduct of the trial. A proposed order
24 outlining all such stipulations shall be presented to the Court.

25 (B) Updated Witness Lists. An updated list of all witnesses likely to be
26 called at trial (other than solely for impeachment or rebuttal), with a brief statement
27 following each name describing the substance of the testimony to be given and a time
28 estimate of the direct and cross examinations. This information shall be presented in

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ORDER RE FURTHER
TRIAL PREPARATION

1 chart format and organized by party.

2 (C) Updated Expert Witness Lists. An updated list of all expert witnesses
3 with a summary which shall clearly state the expert's theories and conclusions and the
4 basis therefore and shall be accompanied by a curriculum vitae; if the expert has prepared
5 a report in preparation for the testimony, a copy thereof shall be furnished to opposing
6 counsel. Witnesses not included on the list may be excluded from testifying.

7 (D) Updated Exhibit Lists Annotated with Stipulations/Objections. An
8 updated list of all documents and other items to be offered as exhibits at the trial (other
9 than solely for impeachment or rebuttal) shall be provided with a brief description of each
10 exhibit's contents, and the identity of each sponsoring witness. As applicable, the exhibit
11 list shall specify whether the parties stipulate to admit the exhibit or the grounds for any
12 objections to the exhibit. The exhibit list shall also include an additional column so that
13 the Court can track the date on which each exhibit is admitted. Prior to submitting the
14 list, the parties shall meet and confer and attempt to stipulate as to the admissibility of
15 each exhibit. This information shall be presented in chart format and organized
16 numerically. Parties shall meet and confer and agree on numeric designations for
17 exhibits, such as plaintiffs shall have numbers 1-99, defendants: numbers 100-199. The
18 agreed-upon designations shall be noted for the Court.

19 (E) Updated List of Discovery Excerpts. The parties shall list those excerpts
20 from depositions, from interrogatory answers, or from responses to requests for admission
21 (other than those solely for impeachment or rebuttal) likely to be used at trial. Prior to
22 submitting the list, the parties shall meet and confer and attempt to resolve any
23 disagreements regarding designations or counter-designations. The parties shall (i)
24 identify any remaining legal objections to the excerpts on the list itself, and (ii) attach in a
25 separate appendix copies of the disputed excerpts so that the Court can review the
26 disputed materials. The parties shall provide a single proposed order with each disputed
27 designation which will allow the Court to rule whether permission to use each is granted,
28 granted with modification, or denied.

1 **2. Electronic Copies of Trial Documents.** The parties shall send an electronic
2 copy in Word format to ncpo@cand.uscourts.gov of the following documents listed
3 above: (i) Proposed Order Re Trial Stipulations; and (ii) Proposed Order Re Discovery
4 Excerpts.

5 **3. Stipulations re Admissibility.** The parties shall make a good faith effort to
6 stipulate to exhibits' admissibility. If stipulation is not possible, the parties shall make
7 every effort to stipulate to authenticity and foundation absent a legitimate objection.

8 **4. Copies of Exhibits to Court.** Exhibits shall be provided to the Court on the
9 Friday prior to the trial date as follows: two sets of exhibits marked, tabbed, indexed, and
10 to be provided in binders. Exhibits sets may be delivered/mailed directly to Chambers.
11 The parties shall otherwise coordinate with the Courtroom Deputy for other delivery.

12 Each exhibit shall be pre-marked with an exhibit tag placed in the top right corner
13 of the first page of a document. Parties are to use a color other than white for the exhibit
14 tags. A page of blank trial exhibit tags can be found on the Court's website. If an exhibit
15 is a physical object (rather than a document), a picture should be taken and placed in the
16 binder.

17 **5. Disposition of Exhibits after Trial.** Upon the conclusion of the trial, each
18 party shall retain its exhibits through the appellate process. It is each party's
19 responsibility to make arrangements with the Clerk of Court to file the record on appeal.

20 **6. Proposed Findings of Fact and Conclusions of Law.** By the Friday prior to
21 the trial date, each party shall serve and lodge with the Court proposed Findings of Fact
22 and Conclusions of Law on all material issues. Proposed Findings shall be brief, written
23 in plain English and free of pejorative language, conclusions, and argument. In addition,
24 the parties shall send an electronic copy in Word format to ncpo@cand.uscourts.gov.

25 **7. Miscellaneous.**

26 (A) Witness Photographs. The Court may take a photograph of each witness
27 prior to the witness' testimony to assist the trier of fact with recalling the testimony.

28 Please advise your witnesses.

1 (B) Electronic Equipment. If a party wishes to use electronic equipment or
2 other large items (such as bookshelves), the party must file a request and proposed order
3 with the Court by the second Friday preceding the trial. Equipment not provided by the
4 Court must be tested in the courtroom prior to the day when it will be used.
5 Arrangements may be made with the Courtroom Deputy, Lili Harrell at (415) 522-2039,
6 as to an appropriate time for doing so.

7 IT IS SO ORDERED.

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9 Date: January 7, 2013

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11 NATHANAEL M. COUSINS
12 United States Magistrate Judge
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