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

DELORES STRINGER, et al.,

No. C 07-3544 MEJ

Plaintiff(s),

**ORDER CONTINUING PRETRIAL AND
TRIAL DEADLINES**

vs.

CITY OF SAN PABLO, et al.,

Defendant(s).

On September 4, 2008, the Court granted the parties request to continue certain pretrial deadlines, including the hearing date for dispositive motions, but kept the original trial date on calendar. Currently, dispositive motions are due on March 12, 2009, and the hearing date is April 16, 2009, yet the pretrial conference is a mere three weeks later. Given the quick turnaround time, it is likely that the parties will need to engage in pretrial filings prior to the issuance of an order on any summary judgment motions. Accordingly, the Court hereby CONTINUES pretrial deadlines and the trial schedule as follows:

A. Exchange and filing of Trial Papers:

1. By July 30, 2009, lead counsel who will try the case shall meet and confer with respect to the preparation and content of the joint pretrial conference statement and shall exchange (but not file or lodge) the papers described in paragraph 2 below.
2. By August 13, 2009, counsel shall file the papers described in Federal Rule of Civil

- 1 Procedure 26(a)(3) and a joint pretrial conference statement including the following:
- 2 (A) Substance of the Action: A brief description of the substance of claims and defenses
- 3 which remain to be decided.
- 4 (B) Relief Prayed: A detailed statement of all the relief claimed, particularly itemizing all
- 5 elements of damages claimed as well as witnesses, documents or other evidentiary material
- 6 to be presented concerning the amount of damages.
- 7 (C) Undisputed Facts: A plain and concise statement of all relevant facts not reasonably
- 8 disputable, as well as which facts parties will stipulate for incorporation into the trial record
- 9 without the necessity of supporting testimony or exhibits.
- 10 (D) Disputed Factual Issues: A plain and concise statement of all disputed factual issues
- 11 which remain to be decided.
- 12 (E) Agreed Statement: A statement assessing whether all or part of the action may be
- 13 presented upon an agreed statement of facts.
- 14 (F) Stipulations: A statement of stipulations requested or proposed for pretrial or trial
- 15 purposes.
- 16 (G) Witness list: A list of all witnesses to be called for trial. The parties shall submit a page-
- 17 length detailed summary of the substance of the proposed testimony of each witness, which
- 18 shall also specify to which disputed fact the testimony relates and an estimate of the time
- 19 required for direct and cross examination of each prospective witness.
- 20 (H) Exhibit list: A list of all exhibits to be offered at trial. The exhibit list shall list each
- 21 proposed exhibit by its number or alphabetical letter, description and sponsoring witness. All
- 22 documents shall be authenticated prior to trial.
- 23 (I) Estimated Time of Trial: An estimate of the number of hours needed for the presentation
- 24 of each party's case.
- 25 (J) Settlement: A statement summarizing the status of the parties' settlement negotiations.
- 26 **No party shall be permitted to offer any witness or exhibit in its case in chief that is not**
- 27 **disclosed in its witness or exhibit list without leave of the Court for good cause**
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shown.

3. Motions *in limine*: Counsel are directed to meet and confer to resolve any evidentiary disputes prior to filing motions in limine. Any motions *in limine* shall be filed by August 13, 2009. Any Opposition to motions *in limine* shall be filed by August 20, 2009. These matters will be deemed submitted on the papers without oral argument, unless the Court orders otherwise.
4. Trial Briefs: Counsel shall file trial briefs setting forth the applicable legal standard, pursuant to Ninth Circuit authority, all significant disputed issues of law, including foreseeable procedural and evidentiary issues by August 28, 2009.
5. Joint Proposed Voir Dire (Jury Trial Only): Counsel should submit a **joint** set of requested voir dire to be posed by the Court by August 28, 2009. Any voir dire questions on which counsel cannot agree shall be submitted separately by August 28, 2009. Counsel will be allowed brief follow-up voir dire after the Court's questioning.
6. Joint Proposed Jury Instructions (Jury Trial Only): Jury instructions § 1.01 through § 2.02 and § 3.01 through § 3.15 from the Manual of Model Civil Jury Instructions for the Ninth Circuit will be given absent objection. Counsel shall submit a **joint** set of additional proposed jury instructions by August 28, 2009. The instructions shall be ordered in a logical sequence, together with a table of contents. Any instruction on which counsel cannot agree shall be marked as "disputed," and shall be included within the jointly submitted instructions and accompanying table of contents, in the place where the party proposing the instruction believes it should be given. Argument and authority for and against each disputed instruction shall be included as part of the joint submission, on separate sheets directly following the disputed instruction. The Court prefers that all jury instructions conform to the Manual of Model Civil Jury Instructions for the Ninth Circuit.
If possible, counsel shall deliver to the Courtroom Deputy a copy of their joint proposed jury instructions on a computer disk in WordPerfect format. The disk label shall include the name of the parties, the case number and be entitled "Proposed Jury Instructions."

1 At the close of Defendant’s case in chief, the Court shall hear oral argument on the disputed
2 jury instructions and will then render its rulings.

3 7. Proposed Verdict Forms, Joint or Separate (Jury Trial Only): Counsel shall submit any **joint**
4 proposed verdict forms and shall submit their separate verdict forms by August 28, 2009.
5 Whenever possible, counsel shall deliver to the Courtroom Deputy a copy of their joint
6 proposed verdict forms on a computer disk in WordPerfect. The disk label shall include the
7 name of the parties, the case number and be entitled “Proposed Verdict Forms.”

8 8. Proposed Findings of Fact and Conclusions of Law (Court Trial Only): Counsel shall submit
9 **joint** proposed findings of facts by August 28, 2009. Counsel shall submit separately a copy
10 of their disputed findings of fact and conclusions of law by August 28, 2009. Whenever
11 possible, counsel shall deliver to the Courtroom Deputy a copy of their joint proposed
12 findings of fact on a computer disk in WordPerfect. The disk label shall include the name of
13 the parties, the case number and be entitled “Joint Proposed Findings of Facts.”

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15 B. Pretrial Conference:

16 1. On August 27, 2009, at 10:00 a.m., the Court shall hold a pretrial conference in Courtroom
17 B, 15th Floor of the Federal Building, located at 450 Golden Gate Avenue, San Francisco,
18 California. Lead counsel who will try the case must attend the pretrial conference. The
19 purpose of the pretrial conference is for the Court to rule on any issues raised in the final
20 pretrial conference statement, motions *in limine*, and to discuss the trial of the case.

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22 C. Final Pretrial Conference:

23 1. On September 24, 2009, at 10:00 a.m., the Court shall hold a final pretrial conference to
24 address any outstanding trial issues.

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26 D. Trial Date:

27 1. The trial shall commence (with jury selection taking place) on **September 28, 2009** (Trial
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schedule: Monday through Thursday, at 1:30 p.m. to 5:00 p.m.). The trial shall last eight days.

IT IS SO ORDERED.

Dated: March 10, 2009



MARIA L. JAMES
United States Magistrate Judge

United States District Court
For the Northern District of California