

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

DELORES STRINGER, et al.,
Plaintiff(s),
vs.
CITY OF SAN PABLO, et al.,
Defendant(s).

No. C 07-3544 MEJ

**ORDER CONTINUING PRETRIAL AND
TRIAL DEADLINES**

This matter is currently schedule for a jury trial beginning September 28, 2009. Due to the undersigned magistrate judge's trial and criminal duty calendar, the Court will be unable to proceed to trial on that date. Accordingly, the Court hereby CONTINUES the case management and trial dates as follows:

- A. Exchange and filing of Trial Papers:
 - 1. By November 10, 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 November 25, 2009, counsel shall file the papers described in Federal Rule of Civil Procedure 26(a)(3) and a joint pretrial conference statement including the following:
 - (A) Substance of the Action: A brief description of the substance of claims and defenses which remain to be decided.

1 (B) Relief Prayed: A detailed statement of all the relief claimed, particularly itemizing all
2 elements of damages claimed as well as witnesses, documents or other evidentiary material
3 to be presented concerning the amount of damages.

4 (C) Undisputed Facts: A plain and concise statement of all relevant facts not reasonably
5 disputable, as well as which facts parties will stipulate for incorporation into the trial record
6 without the necessity of supporting testimony or exhibits.

7 (D) Disputed Factual Issues: A plain and concise statement of all disputed factual issues
8 which remain to be decided.

9 (E) Agreed Statement: A statement assessing whether all or part of the action may be
10 presented upon an agreed statement of facts.

11 (F) Stipulations: A statement of stipulations requested or proposed for pretrial or trial
12 purposes.

13 (G) Witness list: A list of all witnesses to be called for trial. The parties shall submit a page-
14 length detailed summary of the substance of the proposed testimony of each witness, which
15 shall also specify to which disputed fact the testimony relates and an estimate of the time
16 required for direct and cross examination of each prospective witness.

17 (H) Exhibit list: A list of all exhibits to be offered at trial. The exhibit list shall list each
18 proposed exhibit by its number or alphabetical letter, description and sponsoring witness. All
19 documents shall be authenticated prior to trial.

20 (I) Estimated Time of Trial: An estimate of the number of hours needed for the presentation
21 of each party's case.

22 (J) Settlement: A statement summarizing the status of the parties' settlement negotiations.

23 **No party shall be permitted to offer any witness or exhibit in its case in chief that is not**
24 **disclosed in its witness or exhibit list without leave of the Court for good cause**
25 **shown.**

26 3. Motions *in limine*: Counsel are directed to meet and confer to resolve any evidentiary
27 disputes prior to filing motions in limine. Any motions *in limine* shall be filed by November
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1 25, 2009. Any Opposition to motions *in limine* shall be filed by December 3, 2009. These
2 matters will be deemed submitted on the papers without oral argument, unless the Court
3 orders otherwise.

4 4. Trial Briefs: Counsel shall file trial briefs setting forth the applicable legal standard,
5 pursuant to Ninth Circuit authority, all significant disputed issues of law, including
6 foreseeable procedural and evidentiary issues by December 11, 2009.

7 5. Joint Proposed Voir Dire: Counsel should submit a **joint** set of requested voir dire to be
8 posed by the Court by December 11, 2009. Any voir dire questions on which counsel cannot
9 agree shall be submitted separately by December 11, 2009. Counsel will be allowed brief
10 follow-up voir dire after the Court's questioning.

11 6. Joint Proposed Jury Instructions: Jury instructions § 1.01 through § 2.02 and § 3.01 through
12 § 3.15 from the Manual of Model Civil Jury Instructions for the Ninth Circuit will be given
13 absent objection. Counsel shall submit a **joint** set of additional proposed jury instructions by
14 December 11, 2009. The instructions shall be ordered in a logical sequence, together with a
15 table of contents. Any instruction on which counsel cannot agree shall be marked as
16 "disputed," and shall be included within the jointly submitted instructions and accompanying
17 table of contents, in the place where the party proposing the instruction believes it should be
18 given. Argument and authority for and against each disputed instruction shall be included as
19 part of the joint submission, on separate sheets directly following the disputed instruction.
20 The Court prefers that all jury instructions conform to the Manual of Model Civil Jury
21 Instructions for the Ninth Circuit.

22 If possible, counsel shall deliver to the Courtroom Deputy a copy of their joint proposed jury
23 instructions on a computer disk in WordPerfect format. The disk label shall include the
24 name of the parties, the case number and be entitled "Proposed Jury Instructions."

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

27 7. Proposed Verdict Forms, Joint or Separate: Counsel shall submit any **joint** proposed verdict
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1 forms and shall submit their separate verdict forms by December 11, 2009. Whenever
2 possible, counsel shall deliver to the Courtroom Deputy a copy of their joint proposed verdict
3 forms on a computer disk in WordPerfect. The disk label shall include the name of the
4 parties, the case number and be entitled "Proposed Verdict Forms."

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6 B. Pretrial Conference:

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

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14 C. Final Pretrial Conference:

15 1. On January 7, 2010, at 10:00 a.m., the Court shall hold a final pretrial conference to address
16 any outstanding trial issues.

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18 D. Trial Date:

19 1. The trial shall commence (with jury selection taking place) on **January 11, 2010** (Trial
20 schedule: Monday through Thursday, at 1:30 p.m. to 5:00 p.m.). The trial shall last seven
21 days (excluding January 18, 2009, which is a court holiday).

22 **IT IS SO ORDERED.**

23 Dated: July 1, 2009

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26 MARIA-ELEN JAMES
27 Chief United States Magistrate Judge
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