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UNITED STATES DISTRICT COURT
Northern District of California

DELORES STRINGER, *et al.*,

Plaintiffs,

v.

CITY OF SAN PABLO, *et al.*,

Defendants.

No. C 07-03544 MEJ

FINAL PRETRIAL ORDER

A. LENGTH AND CONDUCT OF TRIAL

1. The trial will proceed as follows: the parties will appear on Monday, January 11, 2010 at 9:00 a.m. in Courtroom D, with jury selection commencing at 9:30 a.m. The trial will start on January 11, 2010 at 1:15 p.m. in Courtroom B. Each day thereafter, trial will begin at 9:30 a.m. and conclude at 4:00 p.m. There will be a 15 minute break at 11:00 a.m., a 45 minute lunch at 12:30 p.m., and an afternoon break at 2:30 p.m.
2. Each side has nine (9) hours to present their case in the liability phase, excluding opening and closing statements. Opening and closing statements are each limited to 30 minutes per side.
3. During the Final Pretrial Conference on January 7, 2010, the parties jointly requested that the Court exclude witnesses from the courtroom during the testimony of other witnesses. The Court **GRANTS** the parties' request.
4. Any request to call witnesses out of order, especially those that cannot be agreed upon by the parties, should be made by the end of the trial day on Monday, January 11, 2010.
5. In order to avoid prejudice to either side, the Court will follow the normal rule regarding objections to evidence and other legal points which the Court must decide: No lengthy

1 arguments in front of the jury. No sidebars. Any such argument should occur before 9:30
2 a.m. or after 4:00 p.m., unless it is unavoidable at the time of the witness' testimony.
3 Objections should consist of a citation to the Federal Rules of Evidence at issue and the
4 applicable generic description (e.g. "relevance.")

5 6. The parties must rise when making an objection.

6 7. The parties must seek leave to approach witnesses.

7 **B. TESTIMONY OF JOHNNY GRINNER**

8 If Plaintiffs are unable to locate Johnny Grinner to testify by the close of the presentation of
9 their case, his deposition will be read into evidence.

10 **C. DECEDENT'S STATEMENTS TO WILLIE JOHNSON**

11 The Court will issue a separate Order ruling on the admissibility of Mr. Johnson's testimony.

12 **IT IS SO ORDERED.**

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14 Dated: January 7, 2010

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Maria-Elena James
Chief United States Magistrate Judge