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United States District Court
For the Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Bao Yi Yang, et al.,

No. C 07-4482 JL

Plaintiffs,

**CASE MANAGEMENT AND
PRETRIAL ORDER**

v.

Shanghai Gourmet, et al.,

Defendants.

Pursuant to Fed. R. Civ. P. 16 and Civ. L.R. 16-10(b), the following case management and pretrial order is entered:

1. TRIAL DATE

a. Court trial will begin on July 19, 2010 at 9:00 a.m. in Courtroom F, 15th Floor, 450 Golden Gate Avenue, San Francisco, CA 94102.

b. The length of the trial will be not more than 5 days.

2. PRETRIAL CONFERENCE

a. A final pretrial conference shall be held on June 30, 2010, at 11:00 a.m., in Courtroom F, 15th Floor. Each party shall attend personally or by counsel who will try the case.

1 b. **Not less than thirty (30) days** prior to the date of the pretrial
2 conference, all counsel or parties shall meet and fulfill the requirements of Civil Local Rule
3 16-10(b).

4 c. **Not less than twenty (20) days** prior to the pretrial conference,
5 counsel or parties shall

6 (l) serve and file a joint pretrial statement pursuant to Local Rule 16-10
7 (b)(6);

8 The pretrial statement shall include the disclosures required by Fed. R. Civ. P.
9 26(a)(3) as well as the following:

10 THE ACTION

11 Substance of the Action

12 Relief Prayed

13 FACTUAL BASIS FOR THE ACTION

14 Undisputed Facts

15 Disputed Factual Issues

16 Agreed Statement

17 Stipulations

18 DISPUTED LEGAL ISSUES

19 (List)

20 TRIAL PREPARATION

21 Witnesses to be Called

22 Exhibits, Schedules and Summaries;

23 Trial

24 Estimate of Trial Time

25 Use of Discovery Responses at Trial

26 Further Discovery or Motions

27 TRIAL ALTERNATIVES AND OPTIONS

28 Settlement Discussions

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Amendments - Dismissals

Bifurcation, Separate Trial of Issues

MISCELLANEOUS

Any other concerns of the parties

d. At the same time that the parties file their joint pretrial statement they shall also:

(ii) Serve and file trial briefs, which shall specify each cause of action and defense remaining to be tried along with a statement of the applicable legal standard (no opposition shall be filed);

(iii) Serve and file motions *in limine*, which shall be contained in one document. Motions in limine will be decided at the Pretrial Conference.

e. Serve and file a list of excerpts from discovery that will be offered at trial, specifying the witness, page and line references and whether the excerpt is to be offered in lieu of testimony or as impeachment;

f. Serve and file a list of witnesses likely to be called at trial, in person or by deposition, other than solely for impeachment or rebuttal, with a brief statement describing the substance of the testimony to be given;

g. Serve and file a numerical list of exhibits (including demonstrative exhibits that may be admitted into evidence but not those that are purely illustrative), with a brief statement describing the substance and purpose of each exhibit and the name of the sponsoring witness;

h. Exchange exhibits which shall be premarked, tabbed and in binders (plaintiff shall use numbers and defendant shall use letters); and deliver the original and **two** duplicate sets of all premarked exhibits to chambers (exhibits are not to be filed) at least one week before trial.

(See Label)

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Case No. _____

Exhibit No. _____

Date entered: _____

RICHARD W. WIEKING, Clerk

By: _____

Deputy Clerk

j. Serve and file proposed joint voir dire questions and joint jury instructions for cases to be tried by jury (further instructions regarding jury instructions below); NOT APPLICABLE IN THIS CASE

k. Serve and file proposed findings of fact and conclusions of law for cases to be tried by the Court.

l. Serve and file a proposed verdict form which contains no reference to submitting party.

m. **Two courtesy copies** of trial briefs and motions in limine shall be provided.

n. No party shall be permitted to call any witness or offer any exhibit in its case in chief that is not disclosed in these pretrial filings without leave of court and for good cause.

3. **Not less than nine calendar days** prior to the pretrial conference, counsel or parties shall serve and file any opposition or objection to those items required by section 2 (e), (f),(j), (k) and (l) of this order. Additionally, counsel or parties shall file any objections to the qualifications of expert witnesses contained in the opposing party's witness list.

1 Objections not filed as required will be deemed waived. No replies shall be filed. All
2 motions and objections shall be heard at the pretrial conference unless otherwise ordered.

3 4. All documents filed with the Clerk of the Court shall list the civil case number
4 followed by the initials "JL." One copy shall be clearly marked as a **chambers** copy.

5 IT IS SO ORDERED.

6 DATED: January 21, 2010

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James Larson
U.S. Magistrate Judge