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

INSURANCE CORPORATION OF
NEW YORK,

Plaintiff,

v.

H&H PLASTERING INC., CONCRETE
SHELL STRUCTURES, INC., and
DOES 1 through 10, inclusive,

Defendants.

No. C 07-05214 WHA

**REMINDER NOTICE OF
UPCOMING TRIAL AND
FINAL PRETRIAL
CONFERENCE**

The Court is in receipt of plaintiff's counsel's recent submission stating that she is not authorized to take any action on behalf of plaintiff to prosecute this matter absent confirmation from the Superintendent of Insurance of the State of New York that its order of rehabilitation and temporary injunction regarding plaintiff has been lifted. This notice serves as a friendly reminder that absent a request for a stay or continuance this case remains set for a **FINAL PRETRIAL CONFERENCE** on **FEBRUARY 8, 2010**, at **2:00 P.M.**, with a **BENCH TRIAL** on **MARCH 1, 2010**. Please consult the existing case management order and review and follow all standing guidelines and orders of the undersigned for civil cases on the Court's website at <http://www.cand.uscourts.gov>. Continuances will not be granted absent a showing of good cause.

The final pretrial conference will be an important event, for it will be there that the shape of the upcoming trial will be determined, including *in limine* orders, time limits and exhibit mechanics. Lead trial counsel must attend.

1 To avoid any misunderstanding with respect to the final pretrial conference and trial, the
2 Court wishes to emphasize that all filings and appearances must be made — on pain of dismissal,
3 default or other sanction — unless and until a dismissal fully resolving the case is received. It
4 will not be enough to inform the clerk that a settlement in principle has been reached or to lodge a
5 partially executed settlement agreement or to lodge a fully executed agreement (or dismissal) that
6 resolves less than the entire case. Where, however, a fully-executed and unconditional settlement
7 agreement clearly and fully disposing of the entire case is lodged reasonably in advance of the
8 pretrial conference or trial and only a ministerial act remains, the Court will arrange a telephone
9 conference to work out an alternate procedure pending a formal dismissal.

10 In order to evaluate whether the Court can be of further ADR assistance, please file a joint
11 report within fourteen days of service of this order describing the progress and status of your ADR
12 efforts to date and any further ADR recommendations by the parties.

13 In this case, the Court wishes to consider the following additional trial procedures and
14 desires that counsel meet and confer and reach a stipulation concerning whether and how to use
15 them:

- 16 1. Scheduling opposing experts so as to appear in successive order;
- 17 2. Giving preliminary instructions on the law;
- 18 3. Allowing limited pre-closing deliberations (as per, *e.g.*, Rule 39 of
19 the Arizona Rules of Civil Procedure); and
- 20 4. Allowing each side fifteen minutes of opening/argument time to be
21 used during the evidence time (in addition to normal opening statement and
22 closing argument).

23 Please present the results of your stipulation (or not) in the joint pretrial conference
24 submissions.

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27 Dated: December 23, 2009.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE