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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	
)	
Plaintiff(s),)	No. C 08-02968 BZ
)	
v.)	ORDER SCHEDULING
)	JURY TRIAL
APPROXIMATELY \$23,729 IN)	
UNITED STATES CURRENCY,)	
)	
Defendant(s).)	
_____)	

Following the Case Management Conference, **IT IS HEREBY ORDERED** that:

1. DATES

Trial Date: **Monday, 10/19/2009, 5 days**

Pretrial Conference: **Tuesday, 9/29/2009, 4:00 p.m.**

Last Day to Hear Dispositive Motions: **Wednesday, 8/26/2009**

Last Day for Expert Discovery: **Friday, 7/17/2009**

Last Day for Rebuttal Expert Disclosure: **Friday, 7/11/2009**

Last Day for Expert Disclosure: **Friday, 7/3/2009**

Close of Non-expert Discovery: **Friday, 6/26/2009**

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1 Not less than twenty-one days prior to the pretrial
2 conference, the parties shall: (1) serve and file a joint
3 pretrial statement, containing the information listed in
4 **Attachment 1**, and a proposed pretrial order; (2) serve and
5 file trial briefs, Daubert motions, motions *in limine*, and
6 statements designating excerpts from discovery that will be
7 offered at trial (specifying the witness and page and line
8 references); (3) exchange exhibits, agree on and number a
9 joint set of exhibits and number separately those exhibits
10 to which the parties cannot agree; (4) deliver all marked
11 trial exhibits directly to the courtroom clerk, Ms. Voltz;
12 (5) deliver one extra set of all marked exhibits directly to
13 Chambers; and (6) submit all exhibits in three-ring binders.
14 Each exhibit shall be marked with an exhibit label as
15 contained in **Attachment 2**. The exhibits shall also be
16 separated with correctly marked side tabs so that they are
17 easy to find.

18 No party shall be permitted to call any witness or
19 offer any exhibit in its case in chief that is not disclosed
20 at pretrial, without leave of Court and for good cause.

21 Lead trial counsel for each party shall meet and confer
22 in an effort to resolve all disputes regarding anticipated
23 testimony, witnesses and exhibits. All Daubert motions,
24 motions *in limine*, and objections will be heard at the
25 pretrial conference. Not less than eleven days prior to the
26 pretrial conference, the parties shall serve and file any
27 objections to witnesses or exhibits or to the qualifications
28

1 of an expert witness. Oppositions shall be filed and served
2 not less than eleven days prior to the conference. There
3 shall be no replies.

4 Not less than twenty-one days prior to the pretrial
5 conference the parties shall serve and file requested voir
6 dire questions, jury instructions, and forms of verdict.
7 The following jury instructions from the *Manual of Model*
8 *Civil Jury Instructions for the Ninth Circuit* (2007 ed.)
9 will be given absent objection: 1.1C, 1.2, 1.6-1.14, 1.18,
10 1.19, 2.11, 3.1-3.3. Do not submit a copy of these
11 instructions. Counsel shall submit a joint set of case
12 specific instructions. Any instructions on which the
13 parties cannot agree may be submitted separately. The Ninth
14 Circuit Manual should be used where possible. Each
15 requested instruction shall be typed in full on a separate
16 page with citations to the authority upon which it is based.
17 Proposed jury instructions taken from the Ninth Circuit
18 Manual need only contain a citation to that source. Any
19 modifications made to proposed instructions taken from a
20 manual of model instructions must be clearly indicated. In
21 addition, all proposed jury instructions should conform to
22 the format of the Example Jury Instruction attached to this
23 Order. Not less than eleven days prior to the pretrial
24 conference, the parties shall serve and file any objections
25 to separately proposed jury instructions.

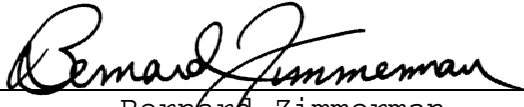
26 Jury instructions that the Court has given in prior
27 cases may be downloaded from the Northern District website

1 at <http://www.cand.uscourts.gov>. (Instructions are located
2 on the "Judge Information" page for Magistrate Judge
3 Zimmerman). The Court will generally give the same
4 instructions in cases involving similar claims unless a
5 party establishes, with supporting authorities, that the
6 instruction is no longer correct or that a different
7 instruction should be given. CACI instructions generally
8 will be given instead of BAJI instructions.

9 A copy of all pretrial submissions, except for
10 exhibits, shall be e-mailed in WordPerfect or Word format to
11 the following address: bzpo@cand.uscourts.gov.

12 At the time of filing the original with the Clerk's
13 Office, two copies of all documents (but only one copy of
14 the exhibits) shall be delivered directly to Chambers (Room
15 15-6688). Chambers' copies of all pretrial documents shall
16 be three-hole punched at the side, suitable for insertion
17 into standard, three-ring binders.

18 Dated: November 4, 2008

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20 
21 Bernard Zimmerman
United States Magistrate Judge

22
23 G:\BZALL\BZCASES\USA V. \$23,729 IN US CURRENCY\SCHEDULING ORDER.wpd
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1 **ATTACHMENT 1**

2 The parties shall file a joint pretrial conference
3 statement containing the following information:

4 (1) **The Action.**

5 (A) Substance of the Action. A
6 brief description of the
7 substance of claims and
8 defenses which remain to be
9 decided.

10 (B) Relief Prayed. A detailed
11 statement of each party's
12 position on the relief
13 claimed, particularly
14 itemizing all elements of
15 damages claimed as well as
16 witnesses, documents or other
17 evidentiary material to be
18 presented concerning the
19 amount of those damages.

20 (2) **The Factual Basis of the Action.**

21 (A) Undisputed Facts. A plain and
22 concise statement of all
23 relevant facts not reasonably
24 disputable, as well as which
25 facts parties will stipulate
26 for incorporation into the
27 trial record without the
28 necessity of supporting
testimony or exhibits.

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

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

(D) Stipulations. A statement of
stipulations requested or
proposed for pretrial or trial
purposes.

(3) **Trial Preparation.**

1 A brief description of the efforts the parties have
2 made to resolve disputes over anticipated testimony,
3 exhibits and witnesses.

3 (A) Witnesses to be Called. In
4 lieu of FRCP 26(a)(3)(A), a
5 list of all witnesses likely
6 to be called at trial, other
7 than solely for impeachment or
8 rebuttal, together with a
9 brief statement following each
10 name describing the substance
11 of the testimony to be given.

8 (B) Estimate of Trial Time. An
9 estimate of the number of
10 court days needed for the
11 presentation of each party's
12 case, indicating possible
13 reductions in time through
14 proposed stipulations, agreed
15 statements of facts, or
16 expedited means of presenting
17 testimony and exhibits.

13 (C) Use of Discovery Responses. In
14 lieu of FRCP 26(a)(3)(B), cite
15 possible presentation at trial
16 of evidence, other than solely
17 for impeachment or rebuttal,
18 through use of excerpts from
19 depositions, from
20 interrogatory answers, or from
21 responses to requests for
22 admission. Counsel shall
23 state any objections to use of
24 these materials and that
25 counsel has conferred
26 respecting such objections.

21 (D) Further Discovery or Motions.
22 A statement of all remaining
23 motions, including Daubert
24 motions.

23 **(4) Trial Alternatives and Options.**

24 (A) Settlement Discussion. A
25 statement summarizing the
26 status of settlement
27 negotiations and indicating
28 whether further negotiations
are likely to be productive.

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(B) Amendments, Dismissals. A statement of requested or proposed amendments to pleadings or dismissals of parties, claims or defenses.

(C) Bifurcation, Separate Trial of Issues. A statement of whether bifurcation or a separate trial of specific issues is feasible and desired.

(5) **Miscellaneous.**

Any other subjects relevant to the trial of the action, or material to its just, speedy and inexpensive determination.

ATTACHMENT 2

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USDC
Case No. CV08-02968 BZ
JOINT Exhibit No. _____

Date Entered _____

Signature _____

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PLNTF Exhibit No. _____

Date Entered _____

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DEFT Exhibit No. _____

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