1 2 3 UNITED STATES DISTRICT COURT 4 Northern District of California 5 6 7 LEN BRIESE, 8 Plaintiff, No. C 08-4233 MEJ v. 9 FINAL PRETRIAL ORDER WILLIAM JAMES TILLEY, 10 Defendant. 11 12 Based on discussions at the October 21, 2010 final pretrial conference in this matter, the 13 Court hereby ORDERS as follows: 14 The trial in this matter shall take place in Courtroom D. On Monday, October 25, 2010, the 1. 15 parties shall appear at 9:00 a.m. Jury selection will begin at 9:30 a.m., with trial 16 commencing at 1:20 p.m. For each subsequent day, trial will proceed as follows: 17 Trial commences (except Tuesday, which will begin at 10:30a.m. to allow for Plaintiff to depose Defendant's 9:30 a.m. 18 expert) 19 11:00 a.m. 15 minute break 20 Trial resumes 11:15 a.m. 21 12:40 p.m. Lunch 22 1:20 p.m. Trial resumes 23 3:00 p.m. Trial concludes for the day 24 Each side has 6 hours to present their case. The 6 hours does not include opening and 2. 25 closing statements, which will be limited to 30 minutes each. 26 As counsel for Defendant indicated that he may have to attend a mediation on Thursday, 3. 27 October 28, the trial schedule may be altered depending on whether counsel is required to 28

28

1		attend this mediation.	
2	4. As discussed at the final pretrial conference, although testimony and closing arguments will		
3		have already concluded, there may be jury deliberate	tions on Friday, October 29. Counsel
4		must be present during deliberations, which will fol	low the regular trial schedule. If
5		necessary, the jurors will deliberate on Monday, No	ovember 1, beginning at 1:20 p.m.
6	5. The Court will impanel an 8-person jury following voir dire. The Court has compiled		
7	questions based on the parties' proposed voir dire questions, which shall be asked first. Each		
8		side is then allotted 10 minutes for follow-up questi	ons. After any hardship and for-cause
9		dismissals, each side may exercise up to 3 perempto	ory challenges.
10	6. In order to avoid prejudice to either side, the Court will follow the normal rule regarding		
11		objections to evidence and other legal points which	the Court must decide: No lengthy
12		arguments in front of the jury. No sidebars. Any si	uch argument should occur before 9:30
13		a.m. or after 3:00 p.m. unless it is unavoidable. Ob	jections should consist of a citation to the
14		Federal Rules of Evidence at issue and the applicab	le generic description (e.g. "relevance.")
15	7. The parties must rise when making an objection.		
16	8. The parties must seek leave to approach witnesses.		
17		IT IS SO ORDERED.	
18			a -1
19	Dated:	October 21, 2010	
20			Maria-Elena James Chief United States Magistrate Judge
21			Omer omed states vagistrate vage
22			
23			
24			
25			
26			
27			