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

LANCE JOHNSON, JOSEPHINE ANADOLA  
JOHNSON, and ARTHUR LEE,

Plaintiffs,

v.

No. C 09-01241 WHA

COUNTY OF CONTRA COSTA, CITY OF ANTIOCH,  
SHERIFF WARREN RUPF, in his individual and official  
capacities, CONTRA COSTA COUNTY SHERIFF SGT.  
J. MOULE (DOE 1), CONTRA COSTA COUNTY  
SHERIFF CORPORAL GARDNER (DOE 2), CONTRA  
COSTA COUNTY SHERIFF DETECTIVE  
WESTERMAN (DOE 3), CONTRA COSTA COUNTY  
SHERIFF DETECTIVE MARTINEZ (DOE 4),  
CONTRA COSTA COUNTY SHERIFF DETECTIVE  
GIBSON (DOE 5), CONTRA COSTA COUNTY  
SHERIFF DETECTIVE VORHAUER (DOE 6),  
ANTIOCH POLICE DETECTIVE VINCELET (DOE 7),  
ANTIOCH POLICE DETECTIVE MORTIMER (DOE  
8), ANTIOCH POLICE DETECTIVE WISECARVER  
(DOE 9), and DOES 10 through 100,

Defendants.

**FINAL PRETRIAL ORDER**

**FOR GOOD CAUSE** and after a final pretrial conference, the Court issues the following  
final pretrial order:

1. This case shall go to a **JURY TRIAL** on **SEPTEMBER 27, 2010**, at **7:30 A.M.**, and shall continue until completed on the schedule discussed at the conference. Due to a separate jury trial currently scheduled to begin on September 20, this case may have to trail that action. The parties will be kept apprised of the status of the trial date. The issues to be tried shall be those set

1 forth in the joint proposed pretrial order except to the extent modified by order *in limine*. This  
2 final pretrial order supersedes the complaint, answer and any counterclaims, cross-claims or third-  
3 party complaints, *i.e.*, only the issues expressly identified for trial remain in the case.

4 2. The sole unopposed motion *in limine* addressed at the conference is **GRANTED**.

5 3. Except for good cause, each party is limited to the witnesses and exhibits disclosed  
6 in the joint proposed final pretrial order less any excluded or limited by an order *in limine*.  
7 Materials or witnesses used solely for impeachment need not be disclosed and may be used,  
8 subject to the rules of evidence.

9 4. The stipulations of facts set forth in the joint proposed final pretrial order are  
10 approved and binding on all parties.

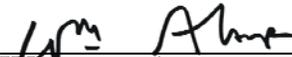
11 5. A jury of **EIGHT PERSONS** shall be used.

12 6. Each side shall have **TEN HOURS** to examine witnesses (counting direct  
13 examination, cross-examination, re-direct examination, re-cross examination, etc.) and **TWENTY**  
14 **MINUTES** for opening statements. Opening statements and closing arguments shall not count  
15 against the ten hour time limit. If, despite being efficient, non-duplicative, and  
16 non-argumentative in the use of the allotted time, one side runs out of time and it would be a  
17 miscarriage of justice to hold that side to the limit, then more time will be allotted.

18 7. The parties shall follow the Court's current *Guidelines for Trial and Final Pretrial*  
19 *Conference*, separately provided and available on the Internet at <http://www.cand.uscourts.gov>,  
20 which guidelines are incorporated as part of this order.

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22 **IT IS SO ORDERED.**

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24 Dated: September 14, 2010.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE

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