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

JESSIE JOHNSON and TIM HORTON,

Plaintiffs,

No. C 09-03153 JSW

v.

**PRELIMINARY INSTRUCTION  
RE CONDUCT OF THE JURY**

CITY OF ANTIOCH, et al.,

Defendants.

**CONDUCT OF THE JURY**

I will now say a few words about your conduct as jurors.

First, keep an open mind throughout the trial, and do not decide what the verdict should be until you and your fellow jurors have completed your deliberations at the end of the case.

Second, because you must decide this case based only on the evidence received in the case and on my instructions as to the law that applies, you must not be exposed to any other information about the case or to the issues it involves during the course of your jury duty. Thus, until the end of the case or unless I tell you otherwise:

Do not communicate with anyone in any way and do not let anyone else communicate with you in any way about the merits of the case or anything to do with it. This includes discussing the case in person, in writing, by phone, cell-phone, Blackberries, or electronic means, via e-mail, text messaging, Twitter, or in or on any Internet chat room, blog, website (including such social networking websites as Facebook, My Space, LinkedIn, and You Tube) or other feature. This applies to communicating with your fellow jurors until I give you the

1 case for deliberation, and it applies to everyone including your family members, your employer,  
2 and the people involved in the trial, although you may notify your family and your employer  
3 that you have been seated as a juror in the case. But, if you are asked or approached in any way  
4 about your jury service or anything about this case, you must respond that you have been  
5 ordered not to discuss the matter and to report the contact to the court. Because you will  
6 receive all the evidence and legal instruction you properly may consider to return a verdict: do  
7 not read, watch, or listen to any news or media accounts or commentary about the case or  
8 anything to do with it; do not do any research, such as consulting dictionaries, searching the  
9 Internet or using other reference materials; and do not make any investigation or in any other  
10 way try to learn about the case on your own.

11 The law requires these restrictions to ensure the parties have a fair trial based on the  
12 same evidence that each party has had an opportunity to address. A juror who violates these  
13 restrictions jeopardizes the fairness of these proceedings, and a mistrial could result that would  
14 require the entire trial process to start over. If any juror is exposed to any outside information,  
15 please notify the court immediately.

16 Each juror will be tasked with signing a document ensuring their strict compliance with  
17 this instruction. All other preliminary instructions shall be given at the start of trial on Monday,  
18 December 6, 2010.

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20 **IT IS SO ORDERED.**

21 Dated: November 29, 2010

  
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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE

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