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

MICHELE JONES,

Plaintiff,

No. C 10-00226 WHA

v.

CBSJ FINANCIAL CORPORATION,

Defendant.

**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 **JANUARY 10, 2011**, at **7:30 A.M.**, and shall continue until completed on the schedule discussed at the conference. The issues to be tried shall be those set forth in the joint proposed pretrial order except to the extent modified by order *in limine*. This final pretrial order supersedes all the complaint, answer and any counterclaims, cross-claims or third-party complaints, *i.e.*, only the issues expressly identified for trial remain in the case.

2. Rulings on the motions *in limine*, as stated at the pretrial conference, are as follows:

Plaintiff's motion *in limine* 1 is **GRANTED**.

Plaintiff's motion *in limine* 2 is **GRANTED ONLY TO THE FOLLOWING EXTENT**: Defendant shall not question plaintiff regarding her debts or discuss such potential testimony in opening

1 statements unless plaintiff or plaintiff's counsel open the door to it by presenting a dispute over  
2 the number of times she was called by defendant.

3 Plaintiff's motion *in limine* 3 is **GRANTED ONLY TO THE FOLLOWING EXTENT**: Defendant  
4 shall not question plaintiff regarding other claims made by her or discuss such potential testimony  
5 in opening statements unless plaintiff or plaintiff's counsel open the door to it by presenting a  
6 dispute over the number of times she was called by defendant.

7 Defendant's motion *in limine* 1 is **GRANTED**.

8 Defendant's motion *in limine* 2 in **GRANTED ONLY TO THE FOLLOWING EXTENT**: If  
9 defendant presents a defense that it had bona fide reasons for calling plaintiff the number of times  
10 that it did, plaintiff may put into evidence instances of a verdict or summary judgment in favor of  
11 a claim made against defendant for violation of any laws having to do with the number and/or  
12 frequency of harassing phone calls made by defendant. Plaintiff shall not present such evidence  
13 in opening statements, and shall proffer such evidence to the undersigned before its introduction  
14 in front of the jury.

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

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

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


22 6. Each side shall have **TWO AND ONE HALF HOURS** to examine witnesses (counting  
23 direct examination, cross-examination, re-direct examination, re-cross examination, etc.).  
24 Opening statements and closing arguments shall not count against the limit. If, despite being  
25 efficient, non-duplicative, and non-argumentative in the use of the allotted time, one side runs out  
26 of time and it would be a miscarriage of justice to hold that side to the limit, then more time will  
27 be allotted.  
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7. The parties shall follow the Court's current *Guidelines for Trial and Final Pretrial Conference*, separately provided and available on the Internet at <http://www.cand.uscourts.gov>, which guidelines are incorporated as part of this order.

**IT IS SO ORDERED.**

Dated: December 14, 2010.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE