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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RONALD EL-MALIK CURTIS,
Plaintiff,
v.
CITY OF OAKLAND, et al.,
Defendants.

Case No. [10-cv-00358-SI](#)

ORDER ON TRIAL PREPARATION

1. Trial exhibits

In light of the Court’s prior order setting the first day of jury trial in the above-captioned case, Dkt. 227, the parties are ordered to submit their trial exhibits in binders no later than November 6, 2015. The binders shall contain numbered tabs separating and identifying each exhibit. The parties shall provide the Court with three sets (for the Court, the file, and the witness), and each side shall provide one set for the other side. To the extent that original documents are to be used as exhibits in the case, they should be included in the set of exhibits for the Court.

2. Verdict forms

The parties are ordered to file updated proposed verdict forms by November 5, 2015.

3. Jury instructions

As part of the preliminary instructions to the jury, the Court will read the following statement summarizing the case and the causes of action alleged. The statement is intended to clarify the remaining claims following the Court’s summary judgment order on plaintiff’s Second

1 Amended Complaint, Dkt. 139, 27, as well as the Ninth Circuit’s reversal of that order. Dkt. 150.

2 The plaintiff, Ronald Curtis, a firefighter with the City of Oakland, claims that he
3 was subject to a racially hostile work environment; specifically, that he was
4 harassed in a severe or pervasive manner in the form of verbal or physical conduct
5 because of his race. Curtis asserts this claim pursuant to the California Fair
6 Employment and Housing Act (FEHA) against the City of Oakland. He also
7 alleges this claim pursuant to 42 United States Code § 1981 against the City of
8 Oakland, Jennifer Ray, Joseph Torres, and John Farrell.

9 The plaintiff also alleges that the City of Oakland, Jennifer Ray, Joseph Torres,
10 John Farrell, and Gerald Simon took retaliatory action against him because he filed
11 claims alleging a racially hostile work environment. Curtis alleges that the City of
12 Oakland retaliated against him contrary to FEHA and Title VII of the 1964 Civil
13 Rights Act. He also alleges that the City of Oakland, Jennifer Ray, Joseph Torres,
14 John Farrell, and Gerald Simon retaliated against him contrary to 42 United States
15 Code § 1981.

16 The plaintiff has the burden of proving these claims.

17 Defendants City of Oakland, Jennifer Ray, Joseph Torres, John Farrell, and Gerald
18 Simon deny all these claims.

19 **4. Pre voir dire statement**


20 Prior to *voir dire*, the Court will read the following shorter statement to the panel:

21 This is a civil action, involving employment claims. The plaintiff, Ronald
22 Curtis, is a firefighter with the City of Oakland. He claims that he was subject to a
23 racially hostile work environment; specifically, that he was harassed in a severe or
24 pervasive manner in the form of verbal or physical conduct because of his race.
25 Mr. Curtis also claims that his employers took retaliatory action against him
26 because he filed claims alleging a racially hostile work environment.

27 The defendants are the City of Oakland and several of the officers of the
28 Oakland Fire Department. Defendants have denied all the claims.

IT IS SO ORDERED.

Dated: November 2, 2015



SUSAN ILLSTON
United States District Judge