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UNITED STATES DISTRICT COURT  
Northern District of California

DIWAN WILLIAMS,

No. C 10-03760 MEJ

Plaintiff,

**FINAL PRETRIAL ORDER**

v.

SYSCO SAN FRANCISCO, INC.,

Defendant.

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On April 4, 2013, the Court held a Final Pretrial Conference in this matter. This Order summarizes the Court's rulings and information about how the trial will be conducted.

1. The trial will proceed in Courtroom D as follows: the parties will appear at 9:00 a.m. on Monday, April 8, 2013. Jury selection will commence at 9:30 a.m. The trial will start at 1:15 p.m. Each day thereafter, trial will begin at 9:30 a.m. with a 15-minute break at 11:00 a.m., a 45-minute lunch at 12:30 p.m., and a 15-minute afternoon break at 2:30 p.m. Trial will conclude at 3:30 p.m. each day.
2. Each side has 8 hours to present their case in chief. The 8 hours includes opening and closing statements, as well as Plaintiff's rebuttal. Opening and closing statements must be limited to 30 minutes per side.
3. In order to avoid prejudice to either side, the Court will follow the normal rule regarding objections to evidence and other legal points which the Court must decide: No lengthy arguments in front of the jury. No sidebars. Any such argument should occur before 9:30 a.m. or after 3:30 p.m. unless it is unavoidable. Objections should consist of a citation to the Federal Rule(s) of Evidence at issue and the applicable generic description (e.g. "relevance.")
6. The parties must rise when making an objection.

- 1 7. The parties must seek leave to approach witnesses.
- 2 8. At the close of each trial day, counsel must disclose to the opposing party the witnesses to be  
3 called the following two days and the exhibit numbers of the documents that counsel plans to  
4 use on direct (other than for impeachment). Within 24 hours of such disclosure, counsel shall  
5 exchange exhibit numbers to be used in cross of the witnesses (other than for impeachment).  
6 Parties will not be allowed to call witnesses or use documents other than those that have been  
7 previously disclosed in the Pretrial Conference Statement, and in the daily witness lists.
- 8 9. The Court will be empaneling an eight-person jury, with no alternates. The Court will select  
9 20 people for voir dire and will present questions selected from the parties' proposed voir dire  
10 questions. Each side will get 10 minutes for follow-up voir dire. Thereafter, the parties may  
11 make for-cause challenges and then peremptory challenges. Each side shall have 3  
12 peremptory challenges.
- 13 10. The parties must submit a joint statement be read at the beginning of voir dire succinctly  
14 describing the case and the parties' positions. The parties have also indicated in their Pre-trial  
15 Statement that they have stipulated to certain facts. The parties must prepare a stipulation of  
16 those facts to be read to the jury. **Both the joint statement of the case and the stipulated**  
17 **facts must be filed no later than 9:00 a.m., April 8, 2013.**
- 18 11. Preliminary jury instructions will be read before opening statements. The Court will give  
19 Ninth Circuit Model Civil Jury Instructions 1.1B - 1.19, with the exception of Model  
20 Instructions 1.4, 1.5, 1.8, 1.15, 1.16, and 1.17. The Court will not provide a copy of the  
21 instructions to the jury at the beginning of the case. The Court will not instruct the jury on  
22 substantive law applicable to the claims under the close of evidence when final instructions  
23 are given. **The parties shall confer to narrow down the disputed jury instructions they**  
24 **have submitted.** The Court will hear argument and settle jury instructions sometime near the  
25 close of Plaintiff's case-in-chief.
- 26 12. The parties shall have their exhibits marked and copies in binders. The exhibits, along with  
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exhibit and witness lists, must be delivered to the Clerk's Office by noon on Friday, April 5, 2013.

**IT IS SO ORDERED.**

Dated: April 4, 2013



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Maria-Elena James  
United States Magistrate Judge