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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ATS PRODUCTS INC.,)
)
Plaintiff(s),)
)
v.)
)
FRANK GHIORSO, THERMALGUARD)
TECHNOLOGY LLC, THERMALGUARD)
LLC,)
)
Defendant(s).)
)

FRANK GHIORSO,)
)
Counter-Claimant,)
)
v.)
)
ATS PRODUCTS, INC.; LAWRENCE)
E. SHEA, individually and in)
his capacity as Trustee of)
the 1992 SHEA FAMILY TRUST;)
SHEA TECHNOLOGY, LLC, and)
HELEN SHEA.)
)
_____)

No. C10-4880 BZ

FINAL PRETRIAL ORDER

The final pretrial conference in this case was held on
November 15, 2011. Plaintiff was represented at the
conference by Marc L. Shea, Esq., John McIntyre, Esq. and
Kevin Elliot, Esq. Defendants were represented by Bruce D.M.

1 Prescott, Esq. and Daphne C. Lin, Esq.

2 This Order and the First Pretrial Order shall control the
3 subsequent conduct of the case and be modified only to prevent
4 manifest injustice. See Fed. R. Civ. P. 16(e).

5 **1. LENGTH AND TIME OF TRIAL**

6 Trial shall begin on **Monday, November 28, 2011 at**
7 **8:15 a.m.** in Courtroom D, 15th Floor, Federal Building, 450
8 Golden Gate Avenue, San Francisco, California 94102. The
9 regular trial schedule is as follows: **8:30 a.m. - 1:30 p.m.**

10 Plaintiff shall be prepared to call witnesses **Monday,**
11 **November 28, 2011.** Each side shall schedule witnesses to
12 avoid any interruption in the presentation of testimony.
13 Plaintiff shall have **17 hours** to present evidence. Defendant
14 shall have **13 hours.**

15 **2. VOIR DIRE**

16 Any objections to the voir dire questions distributed at
17 the conference, or requests for additional questions, shall be
18 filed by **November 22, 2011.**

19 **3. EXHIBITS AND EVIDENCE**

20 Witnesses shall be sequestered. Exhibits shall not be a
21 part of the record or go to the jury unless sponsored by a
22 witness or otherwise brought to the jury's attention. The
23 parties must lodge the original and one copy of the entire
24 transcript of all depositions they anticipate using at trial
25 by the start of trial. The parties must meet and confer in an
26 attempt to reduce the number of proposed exhibits and to
27 resolve their respective objections consistent with the
28 guidance provided at the pretrial conference. If the parties

1 are unable to resolve their objections, they shall notify the
2 court by no later than 12:00 p.m. on Friday, November 18, 2011
3 if they require another conference, which will then be held on
4 Monday, November 21, 2011 at 1:30 p.m., as necessary. The
5 parties shall also consider whether any testimony relates
6 solely to equitable issues and should be heard outside the
7 presence of the jury.

8 4. JURY INSTRUCTIONS

9 Rulings on the instructions were made on the record at
10 the pretrial conference. The court will distribute a proposed
11 set of jury instructions. Final instructions will be driven
12 by the evidence and will be settled shortly before the jury is
13 to be instructed.

14 Defendants shall submit to the court no later than
15 November 22, 2011 any authority they have regarding whether
16 the jury may consider equitable defenses to non-equitable
17 claims for relief.

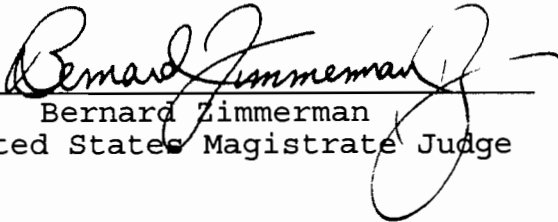
18 6. MISCELLANEOUS

19 The parties shall meet and confer on the unsealing of all
20 documents needed for trial and shall inform the court of how
21 they propose to resolve sealing issues by November 22, 2011.
22 The parties must also notify one another by no later than
23 November 22, 2011 of which witnesses they intend to call by
24 video. Any party who desires a transcript of the trial must
25 make arrangements with the Court Services Coordinator, Debra
26 Campbell. Any party who needs an interpreter or audio or
27 visual equipment shall make its own arrangements for same and
28 clear all such equipment with court security personnel. For

1 any equipment the parties seek to bring into Court, they shall
2 file a proposed order seeking permission to do so. The
3 parties shall notify the Court **immediately** if this action
4 should settle before the commencement of trial.

5 **IT IS SO ORDERED.**

6 Dated: November 15, 2011

7 
8 _____
9 Bernard Zimmerman
United States Magistrate Judge

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