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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

THOMAS E. PEREZ,  
Plaintiff,  
v.  
SEAFOOD PEDDLER OF SAN RAFAEL,  
INC., et al.,  
Defendants.

Case No. [12-cv-00116-WHO](#)

**ORDER REGARDING DEFENDANTS'  
REQUEST FOR RELIEF**

Re: Dkt. No. 433

Following the depositions ordered by me on Monday, August 25, 2014, the defendants assert in an emergency motion filed on Sunday, August 31, 2014 intentional obstruction and obfuscation of material facts and evidence by third party witnesses and ask for further relief. While they have uncovered additional evidence, the evidence as they describe it<sup>1</sup> is consistent with their theory of the case as explained to me over the past year. The additional depositions appear to have cured any deficiencies in the Secretary’s discovery disclosures. In light of the information obtained during the last week, and for good cause appearing:

1. Defendants’ Requests for Relief Nos. 1 and 5 are GRANTED. I will use the term “U-visa” in the initial instruction and will allow the parties to refer to “U-visa” as appropriate at trial instead of “immigration benefit”.
2. Defendants’ Requests Nos. 2, 3, 4, and 8 are DENIED. Defendants may raise inconsistencies in testimony and credibility issues when witnesses are on the stand at trial. 48 hours is a sufficient amount of time to prepare for witnesses at trial, even if it requires working over the weekend.

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<sup>1</sup> The Secretary has not had an opportunity to respond to this emergency motion. Given that the jury will be seated at 8 a.m on Tuesday, September 2, 2014, and these issues have been discussed at length during the past three weeks, I am ruling without hearing from the Secretary so that there will be no delay on Tuesday morning. I will consider anything that the Secretary files in response, but I do not require a response nor think that one is necessary.

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3. With respect to Request No. 6, the list of individuals certified by the Department of Labor may not be used as an exhibit in evidence, but the document may be used to refresh the recollection of witnesses and the information contained on the list may be used.
4. With respect to Request No. 7, assuming that Mr. Cardona is not a lawyer, defendants may add him to their list.

Counsel shall appear on September 2, 2014 at 7:45 a.m.

**IT IS SO ORDERED.**

Dated: September 1, 2014

  
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WILLIAM H. ORRICK  
United States District Judge