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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**
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12 GARDENSENSOR, INC., a Delaware
13 Corporation, formerly known as
14 PLANTSENSE, INC., a Delaware
Corporation,

15 Plaintiff,

16 v.

17 STANLEY BLACK & DECKER, INC., a
18 Delaware Corporation, formerly known as
BLACK & DECKER (U.S.), a Maryland
Corporation,

19 Defendant.
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Case No. 12-cv-03922 NC

**FIFTH ORDER RE: TRIAL
PREPARATION**

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22 In previous pretrial orders rulings, the Court set a time limit of eighteen hours per
23 side for evidence presentation and fifty exhibits per side in this breach of contract action.
24 Dkt. Nos. 144, 156, 163. Black & Decker contends that these limitations violate its right to
25 due process, requesting six more hours of evidence and seventy-five more exhibits. Dkt.
26 No. 173. The requested additional hours are for the examination of witnesses who are
27 already on the list of witnesses proposed by the parties to testify within the current limit of
28 eighteen hours. *See* Dkt. No. 173-2. Black & Decker's proposed additional exhibit list


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1 contains only six exhibits. *See* Dkt. No. 173-3. Gardensensor opposes Black & Decker’s
2 request. Dkt. No. 180.

3 Having reviewed the proposed additional evidence and considered the arguments of
4 counsel and the record in this case, the Court finds that the limits set on the evidence
5 presentation time and the number of exhibits for trial are reasonable and facilitate the just,
6 speedy, and inexpensive disposition of the action. *See* Fed. R. Civ. P. 16; *Navellier v.*
7 *Sletten*, 262 F.3d 923, 941 (9th Cir. 2001) (“Trial courts have broad authority to impose
8 reasonable time limits . . . to ‘prevent undue delay, waste of time, or needless presentation
9 of cumulative evidence.’” (quoting *Amarel v. Connell*, 102 F.3d 1494, 1513 (9th Cir.
10 1997)). Accordingly, Black & Decker’s request for additional time and exhibits is
11 DENIED.

12 IT IS SO ORDERED.

13 Date: October 22, 2014

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16 Nathanael M. Cousins
17 United States Magistrate Judge
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