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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EDUARDO ENRIQUE ALEGRETT,
Plaintiff,
v.
CITY AND COUNTY OF SAN
FRANCISCO, et al.,
Defendants.

Case No. [12-cv-05538-MEJ](#)

FINAL PRETRIAL ORDER

On May 8, 2014, the Court held a Final Pretrial Conference in this matter. This Order summarizes the Court's rulings and provides 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, June 9, 2014. 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 statements must be limited to 30 minutes per side and closing statements must be limited to 1 hour 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

- 1 the Federal Rule(s) of Evidence at issue and the applicable generic description (e.g.
2 “relevance.”)
- 3 4. The parties must rise when making an objection.
- 4 5. The parties must seek leave to approach witnesses.
- 5 6. At the close of each trial day, counsel must disclose to the opposing party the witnesses to
6 be called the following two days and the exhibit numbers of the documents that counsel
7 plans to use on direct (other than for impeachment). Within 24 hours of such disclosure,
8 counsel shall exchange exhibit numbers to be used in cross of the witnesses (other than for
9 impeachment). Parties will not be allowed to call witnesses or use documents other than
10 those that have been previously disclosed in the Pretrial Conference Statement, and in the
11 daily witness lists.
- 12 7. The Court will be empaneling an eight-person jury, with no alternates. The Court will
13 select 22 people for voir dire and will present questions selected from the parties’ proposed
14 voir dire questions. Each side will get 10 minutes for follow-up voir dire. Thereafter, the
15 parties may make for-cause challenges and then peremptory challenges. Each side shall
16 have 3 peremptory challenges. **The parties are ordered to exchange proposed voir dire**
17 **questions by May 20, 2014. Should there be any objections, the parties shall meet and**
18 **confer, and file any objections by May 27, 2014. Any disagreement regarding the voir**
19 **dire questions should be raised at the final pretrial conference on May 29, 2014.**
- 20 8. The parties must submit a joint statement be read at the beginning of voir dire succinctly
21 describing the case and the parties’ positions. The parties have also indicated in their Pre-
22 trial Statement that they have stipulated to certain facts. The parties must prepare a
23 stipulation of those facts to be read to the jury. Both the joint statement of the case and the
24 stipulated facts must be filed no later than 9:00 a.m. on Monday, June 9, 2014.
- 25 9. Preliminary jury instructions will be read before opening statements. The Court will give
26 Ninth Circuit Model Civil Jury Instructions 1.1B - 1.19, with the exception of Model
27 Instructions 1.4, 1.5, 1.8, 1.15, 1.16, and 1.17. The Court will not provide a copy of the
28 instructions to the jury at the beginning of the case. The Court will not instruct the jury on

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substantive law applicable to the claims under the close of evidence when final instructions are given. The parties shall confer to narrow down the disputed jury instructions they have submitted. The Court will hear argument and settle jury instructions sometime near the close of Plaintiff's case-in-chief.

10. The parties shall have their exhibits marked and copies in binders. The exhibits, along with exhibit and witness lists, must be delivered to the Clerk's Office by noon on Friday, May 30, 2014.

IT IS SO ORDERED.

Dated: May 9, 2014



MARIA-ELENA JAMES
United States Magistrate Judge