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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](#)

PROPOSED PRETRIAL ORDER

On May 8, 2014, the Court will hold a Final Pretrial Conference in this matter. This Order summarizes the Court's rule and provides information about how the trial will be conducted. The Court will issue a Final Pretrial Order at the conclusion of the hearing.

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 the Federal Rule(s) of Evidence at issue and the applicable generic description (e.g.

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“relevance.”)

4. The parties must rise when making an objection.
5. The parties must seek leave to approach witnesses.
6. At the close of each trial day, counsel must disclose to the opposing party the witnesses to be called the following two days and the exhibit numbers of the documents that counsel plans to use on direct (other than for impeachment). Within 24 hours of such disclosure, counsel shall exchange exhibit numbers to be used in cross of the witnesses (other than for impeachment). Parties will not be allowed to call witnesses or use documents other than those that have been previously disclosed in the Pretrial Conference Statement, and in the daily witness lists.
7. The Court will be empaneling an eight-person jury, with no alternates. The Court will select 20 people for voir dire and will present questions selected from the parties’ proposed voir dire questions. Each side will get 10 minutes for follow-up voir dire. Thereafter, the parties may make for-cause challenges and then peremptory challenges. Each side shall have 3 peremptory challenges.
8. The parties must submit a joint statement be read at the beginning of voir dire succinctly describing the case and the parties’ positions. The parties have also indicated in their Pre-trial Statement that they have stipulated to certain facts. The parties must prepare a stipulation of those facts to be read to the jury. Both the joint statement of the case and the stipulated facts must be filed no later than 9:00 a.m. on Monday, June 9, 2014.
9. Preliminary jury instructions will be read before opening statements. The Court will give Ninth Circuit Model Civil Jury Instructions 1.1B - 1.19, with the exception of Model Instructions 1.4, 1.5, 1.8, 1.15, 1.16, and 1.17. The Court will not provide a copy of the instructions to the jury at the beginning of the case. The Court will not instruct the jury on 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.

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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,.
IT IS SO ORDERED.

Dated: May 7, 2014



MARIA-ELENA JAMES
United States Magistrate Judge